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No. 95-2031

In The

Supreme Court of the United States

October Term, 1996

THOMAS YOUNG, *et al.*,

Appellants,

v.

KIRK FORDICE, *et al.*,

Appellees.

On Appeal From The United States District Court
For The Southern District Of Mississippi

JOINT APPENDIX

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Jurisdictional Statement Filed June 17, 1996
Probable Jurisdiction Noted October 1, 1996

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D. February 10, 1995, Memorandum from Mississippi Attorney General and Secretary of State's Offices to Mississippi's circuit clerks and election commissioners..... J.S.App. 20a

E. Attorney General's February 16, 1995, letter to Mississippi Assistant Attorney General about February 10, 1995, voting changes.....J.S.App. 24a

F. Voting Rights Act of 1965, § 5, 42 U.S.C. 1973c.....J.S.App. 26a

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AGN CLOSED
LEAD

U.S. District Court
Southern District of Mississippi (Jackson)

CIVIL DOCKET FOR CASE #: 95-CV-197

Young, et al v. Fordice, et al Filed: 04/20/95
Assigned to: Judge Tom S. Lee
Judge E. Grady Jolly
Judge William H. Barbour, Jr.

Demand: $0,000 Nature of Suit: 441
Lead Docket: None Jurisdiction: Federal Question
Dkt# in other court: None

Cause: 42:1983 Civil Rights Act

THOMAS YOUNG, on behalf of themselves and all others smilarly [sic] situated plaintiff	A. Spencer Gilbert, III [COR LD NTC] WISE, CARTER, CHILD & CARAWAY P. O. Box 651 Jackson, MS 39205-0651 (601) 968-5500
RICHARD L. GARDNER, on behalf of themselves and all others similarly situated plaintiff	A. Spencer Gilbert, III (See above) [COR LD NTC]
ELEANOR FAYE SMITH, on behalf of themselves and all others similarly situated plaintiff	A. Spencer Gilbert, III (See above) [COR LD NTC]

RIMS BARBER, on behalf of themselves and all others similarly situated plaintiff	A. Spencer Gilbert, III (See above) [COR LD NTC]
UNITED STATES OF AMERICA consolidated plaintiff	Carlton W. Reeves [COR LD NTC] U. S. ATTORNEY'S OFFICE 188 E. Capitol St., Suite 500 Jackson, MS 39201 (601) 965-4480 Elizabeth Johnson [COR] T. Christian Herren, Jr. [COR NTC] U. S. DEPT. OF JUSTICE Civil Rights Division P. O. Box 66128 Washington, DC 20035-6128
v.	
KIRK FORDICE, in his capacity as Governor of the State of Mississippi defendant	Robert E. Sanders [COR LD NTC] OFFICE OF THE ATTORNEY GENERAL P.O. Box 220 Jackson, MS 39205-0220 359-3680
MIKE MOORE, in his capacity as Attorney General of the State of Mississippi defendant	Robert E. Sanders (See above) [COR LD NTC]

DICK MOLPUS, in his capacity as Secretary of State of the State of Mississippi defendant	Robert E. Sanders (See above) [COR LD NTC]
GREGG PHILLIPS, in his capacity as the Executive Director of the Mississippi Department of Human Services defendant	Robert E. Sanders (See above) [COR LD NTC]
STATE OF MISSISSIPPI consolidated defendant	Robert E. Sanders (See above) [COR LD NTC]

4/20/95	1	COMPLAINT Filing Fee $ 120.00 Receipt #7433; Notice of Assignment mailed. (sec) [Entry date 04/21/95]
4/20/95	2	Pre-Discovery Disclosure by plaintiff Thomas Young, plaintiff Richard L. Gardner, plaintiff Eleanor Faye Smith, plaintiff Rims Barber (sec) [Entry date 04/21/95]
5/11/95	4	ANSWER to Complaint by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips (Attorney Robert E. Sanders) (spc) [Entry date 05/12/95]

5/12/95	5	MOTION by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips to Consolidate Cases 3:95cv198BN with this case (sec) [Entry date 05/15/95]
5/30/95	6	ORDER granting [5-1] motion to Consolidate Cases 3:95cv198BN with 3:95cv197LN (signed by Judge Tom S. Lee); copies mailed. (sec)
5/30/95	–	Consolidated Lead Case 3:95cv197LN. (sec)
6/5/95	8	MOTION by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips, consolidated defendant State Of Mississippi to Amend [4-1] answer by defendants (sec)
6/5/95	9	MOTION by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips, consolidated defendant State Of Mississippi for Partial Summary Judgment (sec)
6/16/95	10	Pre-Discovery Disclosure by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips, consolidated defendant State Of Mississippi (cwl)

6/19/95	–	Case assigned to panel of Judge Tom S. Lee and Judge E. Jolly and Judge William H. Barbour Jr. (sec) [Entry date 06/20/95]
6/19/95	12	ORDER CONSTITUTING THREE-JUDGE COURT; that Requesting Judge Tome [sic] S. Lee; Circuit Judge E. Grady Jolly and District Judge William H. Barbour, Jr. designated as members of the three judge district court [w]hich is to hear and resolve this matter, as set out (signed by Judge Henry A. Politz); copies mailed. (certified copies to each designated judge) (sec) [Entry date 06/20/95]
6/20/95	13	ITEMIZATION of FACTS by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips, consolidated defendant State Of Mississippi in support of [9-1] motion for Partial Summary Judgment by consolidated defe, defenant (sec) [Entry date 06/21/95]
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6/26/95	17	ITEMIZATION of FACTS by consolidated plaintiff United States in support of [16-1] motion for Partial Summary Judgment by consolidated plai (sec) [Entry date 06/28/95]
6/26/95	18	Response by consolidated plaintiff United States to Defendants' itemization of Facts. (sec) [Entry date 06/28/95]
6/26/95	19	MOTION by consolidated plaintiff United States for Preliminary Injunction (sec) [Entry date 06/28/95]
6/26/95	20	Attachment by United States to [19-1] motion for Preliminary Injunction by consolidated plai, [16-1] motion for Partial Summary Judgment by consolidated plai (1-vol). (sec) [Entry date 06/28/95]
6/26/95	21	Response by plaintiff Thomas Young, plaintiff Richard L. Gardner, plaintiff Eleanor Faye Smith, plaintiff Rims Barber to Itemization of Facts. (sec) [Entry date 06/28/95]
6/26/95	22	CROSS MOTION by plaintiff Thomas Young, plaintiff Richard L. Gardner, plaintiff Eleanor Faye Smith, plaintiff Rims Barber for Summary Judgment on section 5 issue, with exhibits 1-20 attached. (sec) [Entry date 06/28/95]

6/27/95	23	CROSS MOTION (Corrected) by plaintiff Thomas Young, plaintiff Richard L. Gardner, plaintiff Eleanor Faye Smith, plaintiff rims for Summary Judgment (sec) [Entry date 06/30/95]
7/10/95	24	Response by all defendants to itemization of facts in support of plaintiffs' motion for summary judgment (lwe) [Entry date 07/12/95]
7/10/95	25	RESPONSE by all defendants in support of [16-1] motion for Partial Summary Judgment by consolidated plaintiff United States (lwe) [Entry date 07/12/95]
7/20/95	26	Minute entry: hearing on defendant's motion for partial summary judgement; plaintiff's motion for partial summary judgment and corss [sic]-motion of defendants for partial summary judgement before Judges Jolly, Barbour and Lee with Cherie G. Bond as Court Reporter on 7/19/95, Jackson, MS. Action Taken: Reserved ruling. (sec)

7/20/95	27	Minute entry: hearing on Motion for Preliminary Injunction before Judges Jolly, Barbour and Lee with Cherie G. Bond as Court Reporter on 7/19/95, Jackson, MS. Action Taken: Government to respond by close of business on 7/21/95 and attorney Herrin do not have authority to withdraw motion (sec)
7/20/95	28	Exhibit list and EXHIBITS: G-1, G-2 and D-1 to Motion for Preliminary Injunction by defendant Kirk Fordice, defendant Mike Moore, defendant Dick Molpus, defendant Gregg Phillips, consolidated defendant State Of Mississippi, consolidated plaintiff United States (1-envelope). (sec)
7/24/95	29	MOTION by plaintiff Thomas Young, plaintiff Richard L. Gardner, plaintiff Eleanor Faye Smith, plaintiff Rims Barber for Summary Judgment and regarding 7/19/95 oral argument referring to: [23-1] cross motion for Summary Judgment by plaintiffs, [22-1] cross motion for Summary Judgment on section 5 issue by plaintiffs (sec)

7/24/95	30	ORDER denying [29-1] supplemental amended motion for Summary Judgment, denying [23-1] cross motion for Summary Judgment, denying [22-1] cross motion for Summary Judgment on section 5 issue, dismissing as moot [19-1] motion for Preliminary Injunction, denying [16-1] motion for Partial Summary Judgment, granting [9-1] motion for Partial Summary Judgment, Dismissing count-II of Young plaintiffs complaint and count-1 of USA complaint (signed by Judge Tom S. Lee, Judge Barbour and Judge Jolly); copies mailed. (sec) [Entry date 07/25/95]
8/7/95	31	MOTION by consolidated plaintiff United States to Alter Judgment, or to Amend [30-1] order Dismissing count-II of Young plaintiffs complaint and count-1 of USA complaint (sec) [Entry date 08/10/95]
8/15/95	34	RESPONSE by all defendants to [31-1] motion to Alter Judgment by consolidated plai (sec)

9/7/95	35	ORDER denying [31-1] motion to Alter Judgment, denying [31-2] motion to Amend [30-1] order Dismissing count-II of Young plaintiffs complaint and count-1 of USA complaint (signed by Judgment Tom S. Lee); copies mailed. (sec)
12/15/95	36	STIPULATION of dismissal by parties that all claims raised in these consolidated actions have been resolved, and the entry of final judgment is appropriate (copy to Judge Lee) (sec) [Entry date 12/18/95]
12/15/95	–	Case closed (sec) [Entry date 01/31/96]
2/7/96	37	Unoposed [sic] MOTION by consolidated plaintiff United States for Entry of Final Judgment (sec) [Entry date 02/08/96]
2/9/96	38	FINAL JUDGMENT; judgment entered against U.S. and Young plaintiffs, as set out and granting [37-1] motion for Entry of Final Judgment (signed by Judges Tom S. Lee; William H. Barbour, Jr and E. Grady Jolly); copies mailed; ob 1996, PAGE 371. (copy to each Judge). (sec) [Entry date 02/12/96] [Edit date 02/12/96]

4/8/96	39	NOTICE OF APPEAL to Supreme Court by plaintiff Thomas Young, plaintiff Richard L. Gardner, plaintiff Eleanor Faye Smith, plaintiff Rims Barber (mailed to attorneys of record). (sec) [Entry date 04/09/96]
4/9/96	40	NOTICE OF APPEAL to Supreme Court by consolidated plaintiff United States (sec) [Entry date 04/10/96]
6/11/96	41	MOTION by consolidated plaintiff United States to Dismiss Appeal (sec) [Entry date 06/12/96]
6/12/96	42	ORDER: that the United States has moved this three-judge Court for entry of an order dismissing the United States' 4/9/96, Notice of Appeal to the U.S. Supreme Court; accordingly, it is hereby ordered that [40-1] Supreme Court appeal noticed by the United States is Dismissed (signed by Judges E. Grady Jolly, William H. Barbour Jr. and Tom S. Lee); copies mailed. (sec) [Entry date 06/13/96]
6/24/96	–	Supreme Court's Notice of Filing an Appeal. (sec) [Entry date 06/25/96]

(Section 5 Submission
No. 94-4505)

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DICK MOLPUS
SECRETARY OF STATE

CONSTANCE SLAUGHTER-HARVEY
ASSISTANT SECRETARY OF STATE, ELECTIONS
AND GENERAL COUNSEL

December 1, 1994
(Filed Dec. 6, 1994)

Honorable Sara Donovan
Attorney, Voting Section
Civil Rights Division
Department of Justice
320 First Street NW, Room 816
Washington DC 20534

Dear Sara:

I enjoyed our conversation of Monday and appreciate your concern with implementation of NVRA in the state of Mississippi.

Since we are awaiting legislative action in January, 1995, we intended to wait until passage of the proposed legislation before sending the "pre-clearance" packet to you. It now seems that we need to give you some information relative to the implementation of the NVRA program in January, 1995.

I am therefore enclosing a packet of background information relative to NVRA implementation in Mississippi. This includes detailed information on the administrative program, including forms and procedures to be used by the agencies for the implementation of the program. I am also enclosing information relative to training, outreach and community education efforts.

If you need additional information or have questions once you have reviewed this information, please call me at (601) 359-6359 or Kate Margolis at (601) 359-4187.

Sincerely yours,

/s/ Connie
Constance Slaughter-Harvey

CSH:lsr

Enclosures

[Federal Express Mailing Label Omitted]

Introduction

Mississippi's National Voter Registration Act (NVRA) Implementation Committee, created by the governor's Executive Order No. 739 in December 1993, is charged with ensuring full compliance with the Act. The order designated the Secretary of State as the chief state election official.

During the past year, intense efforts have been made to prepare for full implementation of the NVRA beginning January 1, 1995. Representatives from the affected state agencies met regularly during 1994 to plan the necessary administrative procedures, and each agency has received training on these procedures. Training for election officials has been conducted statewide. Community outreach programs have been conducted to secure the involvement of community activists as well as educate the general public.

The information in this packet explains Mississippi's efforts to comply with the NVRA and outlines plans for statewide implementation.

Part One contains information presented to Mississippi's 82 voter registrars and 410 election commissioners. This information includes manuals which describe in detail the NVRA programs and procedures, and the roles and responsibilities of election officials.

Part Two contains information presented to state agency personnel explaining their roles and responsibilities in conducting motor-voter and agency-based registration.

Part Three outlines community education, outreach and training efforts around the state.

Part Four contains Mississippi's draft legislation and a summary of hearings held by the Senate Elections Committee.

Calendar of Efforts to Comply

This calendar includes NVRA committee meetings, training for election officials, training for agency personnel, and community education effort. Training and community education will be ongoing.

December 1993

15 Governor issues Executive Order No. 739 creating a National Voter Registration Act Implementation Committee

January 1994

Committee members are appointed

February

24 Implementation Committee meeting – Jackson

March

21 Working Group meeting – Jackson

April

14 Working Group meeting – Jackson

17 Jackson State University Class Officers – Jackson

27 Working Group meeting – Jackson

May

4 Department of Public Safety meeting – Jackson

8 Gee Grove M.B. Church – Mendenhall

10 Agency representatives meeting – Jackson

[3]

20 Statewide Community Activists community organizing training – Tougaloo College

24 Implementation Committee meeting – Jackson

25 Mendenhall Ministries – Mendenhall

June

10 Elections Task Force meeting – Jackson

11 Voter Awareness Conference workshops – Jackson

13 NAACP Legal Redress Committee – Jackson

21 Agency representatives meeting – Jackson

26 Mississippi Black Caucus of Local Elected Officials (MBCLEO) – Biloxi

29 Department of Public Safety meeting – Jackson

30 Outreach Committee of Congressman Bennie Thompson – Jackson

July

14 Circuit Clerks Association Convention workshop – Tupelo

19 Election Commissioners Association of Mississippi (ECAM) training – Starkville

19 Southern Echo student representatives – Jackson

20 Mississippi Baptist Convention – Greenwood

20 ECAM – Itta Bena

21 ECAM – Oxford

[4]

21 Working Group meeting – Jackson

24 New Beginning M.B. Church – D'lo

28 ECAM – Wesson

28 Black Supervisors Association – Biloxi

29 ECAM – Gulfport

August

11 Voice of Calvary Ministries – Jackson

12 Mississippi Delta Community College – Moorhead

15 Mississippi Valley State University orientation – Itta Bena

16 Coahoma Community College – Clarksdale

16 Northwest Community College orientation – Senatobia

17 Pearl River Community College orientation – Poplarville

17 University of Mississippi orientation – Oxford

18 Gulf Coast Community College – Perkinston

18 Jackson State University Junior Class Officers – Jackson

18/19 Holmes Community College orientation – Goodman

19 Alcorn State University orientation – Lorman

22 Copiah-Lincoln Community College orientation – Wesson

22 Elections Task Force meeting – Jackson

23 Jones County Junior College – Ellisville

[5]

26 Election Center Conference – New Orleans

27 Annual Black Family Reunion – Tupelo

30 Millsaps College Activities Fair – Jackson

30 Mississippi State University – Starkville

31 Southwest Mississippi Community College – Summit

31 Northeast Mississippi Community College – Booneville

September

1 Working Group meeting – Jackson

11 Marion County Concerned Citizens – Columbia

12 Meridian Community College Government classes – Meridian

17/18 Delta Blues Festival – Greenville

19 Elections Task Force meeting – Jackson

21 Itawamba Community College – Fulton

25 Covington County NAACP banquet – Collins

October

7 Working Group meeting – Jackson

8 National Council of Negro Women – Mound Bayou

11 Elections Task Force meeting – Jackson

13 Division of Medicaid Supervisors training – Lake Tiak O'Khata

[6]

23 National Federation of Colored Women's Clubs – Vicksburg

23 A. Phillip Randolph Institute (Labor) Convention – Grenada

25 WIC Independent Clinics In-Service meeting – Jackson

25 Department of Human Services Supervisors training – Jackson

November

3 Department of Rehabilitation Services Regional Supervisors training – Jackson

6 Rankin County Action League (Little Zion UM Church)

11 Mississippi Action for Progress (Head Start) – Jackson

12 NAACP Convention – Jackson

14 State Department of Health Social Workers training – Jackson

16 State Department of Health Clerical Workers training – Jackson

16 Senate Elections Committee NVRA hearings – State Capitol

17 NVRA Training Session for Circuit Clerks and Election Commission Chairpersons – Jackson

December

12 Choctaw Health Center personnel training – Philadelphia

13 Elections Task Force meeting

15 First shipment of combined declination/voter registration forms to agencies

January 1995 – Implementation

[7] PART ONE – ELECTION OFFICIALS

Training for election officials has been conducted statewide. The most recent training session for voter registrars and election commissioners was conducted November 17 to ensure that all officials are thoroughly prepared to implement the new programs and procedures beginning January 1, 1995.

Manuals presented to election officials and the revised Mississippi mail-in registration form are included in this section.

Formal training dates for Mississippi's election officials:

June

11 Voter Awareness Conference workshop – Jackson

July

14 Circuit Clerks Association Convention workshop – Tupelo

19 Election Commissioners Association of Mississippi (ECAM) – Starkville

20 ECAM – Itta Bena

21 ECAM – Oxford

28 ECAM – Wesson

29 ECAM – Gulfport

August

26 Election Center Conference – New Orleans

November

17 NVRA Training Session for Circuit Clerks and Election Commission Chairpersons – Jackson

[8] STATE OF MISSISSIPPI
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DICK MOLPUS
SECRETARY OF STATE

CONSTANCE SLAUGHTER-HARVEY
ASSISTANT SECRETARY OF STATE, ELECTIONS
AND GENERAL COUNSEL

Training Seminar
on
NATIONAL VOTER REGISTRATION ACT
ETV Auditorium
Thursday, November 17, 1994
10:00 a.m. – 1:00 p.m.

AGENDA

Welcome	Constance Slaughter-Harvey Assistant Secretary of State
NVRA Registration Programs	Kate Margolis, NVRA Coordinator Secretary of State's Office
Motor-Voter Registration	Major Ron Ford Dept. of Public Safety
Purging	Reese Partridge, Staff Attorney Secretary of State's Office
Fail-Safe Procedures	Kate Margolis
Mailing Requirements	Sonya Hayes Postal Business Center, Jackson
Adjournment	1:00 p.m.

[9] Attendance at NVRA Training Session
November 17, 1994.

*68 Counties represented with 133 Officials in Attendance.

[Mississippi Map Omitted]

Attendance at NVRA Training Seminar Nov. 17, 1994.

*68 Counties represented with 133 Officials Attending.

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

The National Voter Registration Act

(SEAL)

An information manual
November 1994

For additional information.
please contact:
Mississippi Secretary of State's Office, 601-359-6357

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OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

The National Voter Registration Act

Overview

The National Voter Registration Act (NVRA) is designed to achieve two main purposes:

- to give eligible citizens more opportunities to register to vote
- to maintain the integrity of the voter rolls by requiring specific procedures for purging

Section One – *Motor-voter and agency-based registration*

What is NVRA?

The NVRA is commonly known as "motor-voter" because it targets driver's license offices, where an estimated 90 percent of people 18 and older will be reached. In order to make voter registration equally convenient for those who do not have a driver's license, the law targets public agencies that serve the poor and disabled. Also, armed forces recruitment offices are designated as voter registration agencies.

What does NVRA require?

The NVRA requires driver's license offices and designated agencies to conduct voter registration as part of their routine business.

> ***Driver's license offices*** will offer people the opportunity to register to vote at the same time they apply for or renew their driver's license or notify the office of a change of address.
>
> ***Public assistance agencies*** are required to offer people the opportunity to register to vote at the same time they apply for agency assistance, renewal or recertification for assistance or notify the agency of a change of address.

What is NVRA's role in voter registration?

The role of motor-voter and agency-based registration is to help people apply for voter registration and forward completed applications to the circuit clerks. It's up to the

applicant whether or not to apply. Voter registration is not automatic.

> **Important:** The decision to register or not is confidential. If the person chooses to register, the office through which they applied is confidential. The source of registration cannot be publicly disclosed.

If the person is already registered and doesn't need to update his or her registration name or address, there will be no additional steps in the process. If the person chooses to register, he or she will fill out the voter registration form. Office staff are required to provide the same amount of assistance filling out the voter registration form as they would the agency's own forms.

[2] Registration forms

Motor-voter forms

Driver's license offices will use ***two different voter registration forms.***

> One is combined with the application for a Mississippi driver's license. On the application circuit clerks receive, non-registration information will be blacked out.

> Another voter registration form is combined with the driver's license renewal notice mailed to the person's home. It will look similar to the new mail-in registration form.

Agency-based form

Agency offices will use a form that combines the voter registration application with a form that agencies are required to keep for their records. The application that circuit clerks receive from agencies will be identical to the new mail-in forms.

Federal mail-in form

The armed forces recruitment offices will use the new federal mail-in form.

Mail-in form

The 1992 mail-in registration form has been redesigned. The top portion will have general instructions about registering to vote in Mississippi. The applicant will detach this portion. The application itself will be a fold-over mailer with the address of each county circuit clerk on the back.

Note: An attesting witness is no longer required.

Deadlines

Once these offices accept a completed voter registration application, they must send it to the proper circuit clerk within five days.

Applications accepted ***on the deadline day for registration*** must be transmitted within five days. The Secretary of State's Office will notify agencies of upcoming deadlines.

Note: Circuit clerks must accept and process motor-voter and agency-based applications 25 days before the election. If valid, the date of registration is the date the application was received by the agency.

Circuit clerks will be receiving applications from these agency offices:

- Department of Human Services
- Department of Health
- WIC Independent Clinics
- Medicaid
- Department of Rehabilitation Services
- Armed forces recruitment offices

Note: Mail-in applications still must be post-marked 30 days prior to the election.

[3] **Procedures**

Standard procedures will direct motor-voter and agency registration programs. Agencies will send applications to the circuit clerks on a weekly basis, primarily through the mail. An agency transmittal sheet will be sent with the applications.

Methods may differ slightly from agency to agency:

Agencies with offices in each county, such as the Department of Human Services and the Department of Health, will send applications directly to the circuit clerk in that county.

Agencies with regional or field offices, such as Medicaid and the Department of Rehabilitation Services,

will sort applications for forwarding to the proper circuit clerk.

In some cases, circuit clerks may have to re-route applications received from an agency to a circuit clerk in another county.

The armed forces recruitment offices will send completed applications to the Secretary of State's Office for routing to the proper circuit clerk.

> **Important:** An open line of communication between these offices and circuit clerks offices should be established. Circuit clerks will have a list of the locations of agency offices in the county. Each agency should provide the proper circuit clerk the name of a contact person for each site.

Agency training and supplies

A manual has been prepared for agency staff. It covers information on who is eligible to register, how to complete the application, and how and when to forward the applications to the county circuit clerk. Staff training in this area is being added to the training programs already in place for agency personnel.

Agency registration sites will get voter registration applications through normal agency supply channels.

Reporting

The Secretary of State must submit a report to the Federal Election Commission (FEC) on March 31 of every odd-numbered year. The numbers will be used to assess the

impact of the NVRA on election administration. The FEC will report to Congress.

The 1995 report will include only the number of registered voters in the state as of the 1994 general election and a narrative description of NVRA implementation in the state. However, records must be kept starting January 1995 for making the 1997 report.

The circuit clerk must report the following to the Secretary of State's Office:

- The total number of registered voters in the federal election prior to the most recent federal general election.
- The total number of registered voters in the most recent federal general election.
- The total number of new valid registrations in the county between the past two federal general elections (does not include address updates, total duplicates or rejected applications).
- The total number of applications received from sources other than motor-voter and agency-based registration, including applications received in the circuit clerk's office, by mail-in registration, registration drives, libraries or schools.
- The total number of duplicate applications between the past two federal general elections. Du[4]plicates must be reported by each of the following must be reported by each of the following categories:

    1. driver's license offices
    2. public assistance agencies
    3. agencies serving the disabled

4. armed forces recruitment offices
5. other designated sites such as libraries and schools
6. mail-in registration
7. all other means such as in-person, registration drives, etc.

• The number for the public assistance agencies will be the combined total duplicates received from:

Department of Human Services
Department of Health
WIC Independent Clinics
Medicaid

The number for the agencies primarily serving the disabled will be the total received from the Department of Rehabilitation Services.

Section Two – *Purging*

The NVRA requires election commissioners to follow specific procedures to purge voter registration lists.

Current methods that will remain the same

Names may be removed at any time:

• upon the registrant's death
• upon criminal conviction as applicable to state law
• upon a court ruling of mental incompetence
• upon the request of the registrant
• upon receiving notice that the registrant has registered in another state or county

Current methods that will change

- the optional "4 year purge" is prohibited
- a registrant's name cannot be removed solely for not voting
- a registrant who moves within their county of registration may not be purged
- the method for purging voters who have moved away will change

Purge for moving out of the county

Previously, the election commission gathered factual information, considered the information, and voted whether or not to purge. For example, an election commissioner read in the newspaper that Bob Smith sold his house and took a new job in Alabama. The election commission considered this information and voted to purge his name.

Now, the election commission must start with the same factual information and attempt to get Bob Smith's written confirmation that he has moved out of the county. A **confirmation mailing** must be sent to Bob Smith's last known address to try to get his written okay to remove his name from the list.

[5] Confirmation mailing

The confirmation mailing is a forwardable two-piece mailing that includes a pre-addressed postage paid postcard for the registrant to verify or correct the information and return to the election commission.

Routine Procedure

1. The election commissioners receive factual information that gives them reason to believe a registrant has moved out of the county. For example, a jury summons is returned with "forwarding order expired."

2. The registrant's name is placed on the new inactive list.

3. The registrant is sent a confirmation mailing to the last known address.

4. Once the commission receives the confirmation return postcard, the registrant will be purged or updated to active status.

5. If the confirmation postcard is not returned, AND the registrant fails to vote within two subsequent federal general elections, the registrant's name is purged.

> **Important:** Records of all actions taken by the election commission to maintain the accuracy of the voter registration list must be documented. These records must be kept for a minimum of 24 months and be open to public inspection.

An "Ongoing Program"

Under the NVRA, election commissions are REQUIRED to conduct an "ongoing general program" that makes a reasonable effort to remove the names of voters who have moved out of the county. The "ongoing program" must be non-discriminatory and comply with the Voting Rights Act of 1965.

> Election commissions may choose one of two methods to accomplish this:

- the National Change of Address (NCOA) program or
- a mass mailing of postcards

Both use a comparison of the voter list with postal records.

National Change of Address (NCOA) Procedure

1. Election commissions must choose an NCOA vendor licensed by the U.S. Post Office.

2. Commissions provide the NCOA vendor with the list of registered voters in the county.

3. The NCOA vendor compares the voter list with the list of people who have filed change-of-address notices with the Post Office and provide the commission with a list of "matches." The vendor will identify registrants who have moved within the county and outside the county. The NCOA also identifies temporary moves.

4. If the information shows that a registrant has moved **within the county**, update the address in the voter registration file and send the registrant a notice that his or her voting address has been changed.

[6] 5. If the information shows that a registrant has moved **out of the county**, place the registrant's name on the inactive list, then send a confirmation mailing to the registrant's new address.

6. If the confirmation return postcard is not returned, AND the registrant fails to vote within two subsequent federal general elections, the registrant's name is purged.

For more information about the NCOA program, call:

U.S. Postal Service's National Consumer Support Center
1-800-238-3150

Mass mailing of postcards procedure

1. Send non-forwardable postcards to all registrants in the county.

> **Suggestion:** A mass mailing could be used to send each voter polling place information or other helpful information.

2. Registrants whose cards are returned as undeliverable are placed on the inactive list, then sent a confirmation mailing.

3. If the confirmation return postcard is not returned AND the registrant fails to vote within two subsequent federal general elections, the registrant's name is purged.

Timing

Every county will have an "ongoing program" which must be conducted at least once a year. However, the "ongoing program" must be completed 90 days before an election. If information indicating that the registrant has moved out of the county is received AFTER the 90-day deadline, the registrant cannot be placed on the inactive list and sent a confirmation mailing until after the general election.

Questions & Answers about purging

Q. What about military personnel?

A. If the registrant does not return the confirmation return postcard and does not vote absentee, the registrant can be purged according to the NVRA procedures. However, election commissions may take note of special circumstances.

Q. What about federally registered voters?

A. Federally registered voters must be purged the old way, not NVRA. To find out how to purge or if you have any federally-registered voters in your county, call 404-331-3468 or write to Donna Pressley, Regional Voting Rights Coordinator, Atlanta Region USOPM, Room 905, 75 Spring St. S.W., Atlanta GA 30303.

Q: What about people who don't file a change of address with the Post Office?

A: Send the confirmation mailing to the registrant's last known address.

Q: What elections count as a federal general election?

A: Congressional general elections.

Q: What if a county's 4-year purge has been precleared by the Justice Department?

A: Complete the purge before January 1995.

[7] Q: Can counties still have a re-registration?

A: Yes, but it must be precleared by the Justice Department.

Q: What is the cost of using the NCOA program?

A: The cost of the service usually depends on the size of the county. Costs also vary from vendor to vendor. The minimum charge is typically $250-$500. It's a good idea to "shop around" to get the best price. Counties might consider forming or joining a bulk-buying cooperative.

Here's how NCOA vendors typically price their services:

- one time set-up fees ($50-$100)
- per file fees ($2-$10 per 1,000 records)
- per "match" fees (3-5 cents per match)
- file conversion charges

Q: Are counties eligible for postal discounts?

A: Yes. It is important to contact the Postal Service far in advance in order to qualify for the discounts.

Examples of what to do with mail returned from the Post Office

Situation: Mailed item returned with notation "Moved, left no address," "Unable to deliver," "Addressee Unknown," "No such address," etc.
Procedure: Move registrant to inactive and send confirmation mailing.

Situation: Mailed item returned with new address in different county or out of state.
Procedure: Move registrant to inactive and send confirmation mailing.

Situation: Mailed item returned with new address that is a post office box.
Procedure: Move registrant to inactive and send confirmation mailing.

Situation: Mailed item sent to residence address returned with new address that looks like residence address in the same county (not a post office box).
Procedure: Leave registrant in active status, update registrant's residence address and send him or her notice of the change.

Situation: Mailed item returned indicating registrant is temporarily away.
Procedure: Do nothing.

Situation: Mailed item returned with new address obviously at a college.
Procedure: Do nothing.

Situation: Mailed item returned with new address out of the U.S.
Procedure: If APO or FPO, do nothing. Otherwise, move registrant to inactive and send confirmation mailing.

Situation: Mailed item returned indicating registrant is deceased.
Procedure: Cancel registration.

Situation: Mailed item returned with new address that is a business.
Procedure: Move voter to inactive and send confirmation mailing.

[8] **Situation:** Mailed item returned for no reason, address is illegible, or address does not match registrant's name.
Procedure: Do nothing to the registrant's registration. Remail item.

Election Day Procedures

The NVRA requires "fail safe" election day procedures to protect a registrant's right to vote as long as he or she

continues to live in the county where he or she is registered.

Q. Who is qualified to be a "fail safe" voter?
A. Registrants who move within the same county but fail to notify the circuit clerk of the changed address will still be allowed to vote. This is current practice when a registrant has moved from one precinct to another in the same supervisor's district.

Registrants who have not moved, but the voter registration records incorrectly show that they have, will still be allowed to vote. This is current practice in Mississippi.

All registrants on the inactive list, who continued to live in the county, will be allowed to vote.

Q: How will they vote?
A: By affidavit ballot.

Q: Where will they vote?
A: Registrants should vote in the precinct appropriate for their current address. Pollworkers may need to direct "fail safe" voters to their new precincts.

Reporting

The Secretary of State must submit a report to the Federal Election Commission (FEC) on March 31 of each odd-numbered year. The numbers will be used to assess the impact of the NVRA on election administration. The FEC will report to Congress.

The 1995 report will include only the number of registered voters as of the 1994 general election and a narrative description of NVRA implementation in the

state. However, records must be kept starting in January 1995 for making the 1997 report.

The election commission must report the following to the Secretary of State's Office:

- The total number of inactive voters on file as of the date of certification of the most recent federal general election (does not include registrants who were inactive but restored to active status).

- The total number of registrations that were canceled (purged) from the registration file between the past two federal general elections.

- The number of confirmation mailings sent between the past two federal general elections and the number of responses received during that same period.

If you have questions about implementation of NVRA, please contact:

The Secretary of State's Election Division
601-359-6357

Motor - Voter Application (hand written notation)

SECTION 1. **CHECK THE PROPER BOX FOR YOUR APPLICATION AND FILL OUT COMPLETELY** MV 11-94

☐ Operator's License ☐ Learner's Permit ☐ CDL ☐ Class D Comm. Lic. ☐ ID Card ☐ Address change ☐ Name change

PRINT IN BLACK INK

Full Name of Applicant (Last Name) (First Name) (Middle/Maiden) (Circle if Appropriate) Jr. Sr. II III IV

Home Address (Use 911 Address) **Social Security Number**

City State Zip County

SECTION 2 **MAILING ADDRESS (If Different from Home Address)**

Date of Birth: Mo. Day Year | Age | Race

Mailing Address

City State Zip

[redacted]

SECTION 4. **VOTER DECLARATION – Read and sign**

I swear/affirm that: I am a U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X _____ _____ _____ _____

Signature (or mark) of applicant Date Daytime Phone number(s) where applicant can be reached.

X _____

If applicant is unable to sign, the signature of the person who helped fill out this application is required.

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

If you were previously registered to vote under a different name or address, please give that address.

Last Name First Name Middle/Maiden

City/Town County State Zip Code

Motor - Voter Application (hand written notation)

DRIVER LICENSE RENEWAL NOTICE / VOTER REGISTRATION APPLICATION

This is a two-part form. The top portion is an application that may be used to register to vote. The bottom portion is your Driver License Renewal Notice.

Under the new Motor-Voter Law, you may apply to register to vote in Mississippi while renewing your driver license. If you would like to apply to register to vote, complete Sections 1 and 2 of this form and bring it with you to the driver license office. Your registration form will be forwarded to your local circuit clerk who will notify you of your voter status. If you choose to register to vote, information regarding the office through which you applied will remain confidential and will only be used for registration purposes. If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes.

If you wish only to renew your license, bring this entire form (uncompleted) with you and present it at the driver license office.

This voter registration form may also be used to change your address and/or you name on your existing voter registration file. Be sure to indicate if this application is for a new registration address change, or name change by checking the appropriate box(s) below.

SECTION 1. | | **NEW REGISTRATION** | | **ADDRESS CHANGE** | | **NAME CHANGE**

Mr. Mrs. Miss Ms. (Last Name) (First Name) (Middle/Maiden) (Circle If Appropriate) Jr. Sr. II III IV

Home Address (Use 911 Address) **Social Security Number**

City County State Zip

Mailing Address (If Different from home address) Date of Birth Mo. Day Year Race

City State Zip

If you were previously registered to vote under a different name or address, please list that name or address.

Last Name First Name Middle/Maiden

City/Town County State Zip

SECTION 2. **VOTER DECLARATION Read and Sign**

I swear/affirm that: I am an U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X_____ _____
Signature (or mark) of applicant Date

X_____ _____
If applicant is unable to sign, the signature of the person who helped fill out this application is required. Date

_____
Daytime Phone number(s) where applicant can be reached.

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

This area reserved for Driver License Renewal Notice Data Card

Draft – Registration Application Used by Agencies (handwritten notation)

SECTION 1. **Mississippi Voter Registration Application** MV 11-94

"If you are not registered to vote where you now live, would you like to apply tor register to vote here today?"

☐ **Yes** ☐ **No** **Signature**_____ **Date**_____

If you do not check a box, you will be considered to have decided not to register to vote at this time.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency. If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private. If you believe someone has interfered with your right to register or decline to register to vote or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the Secretary of State at 401 Mississippi St., Jackson, MS 39201 or by calling 1-800-xxx-xxxx.

If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes. If you choose to register to vote, information regarding the office through which you applied will remain confidential and will only be used for registration purposes.

SECTION 2. **COMPLETE THIS SECTION**

Mr. Mrs. Miss Ms. (Last Name) (First Name) (Middle/Maiden) (Circle If Appropriate) Jr. Sr. II III IV ____

Home Address (Use 911 Address) **Social Security Number**

City County State Zip

Mailing Address (If Different from home address) Date of Birth Mo. Day Year Race (optional)

City State Zip

SECTION 3. IF YOU WERE PREVIOUSLY REGISTERED UNDER A DIFFERENT NAME OR ADDRESS, LIST THAT NAME OR ADDRESS

Last Name First Name Middle/Maiden

Street

City/Town County State Zip

SECTION 4. **VOTER DECLARATION Read and Sign**

I swear/affirm that: I am an U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X_____ _____
Signature (or mark) of applicant Date

X_____ _____
If applicant is unable to sign, the signature of the person who helped fill out this application is required. Date

_____
Daytime Phone number(s) where applicant can be reached.

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

For Office Use Only

MV 11/94

Agency Declination/Registration Form (handwritten notation)

(Federal)
handwritten notation

Mail-In Voter Registration Application

You can use this form to:
- **register to vote**
- **report that your name or address has changed**
- **register with a party**

Please use black ink and print clearly

This space for official use only

1 Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	(Circle One) Jr Sr II III
2	Address (see instructions) — Street (or route and box number)	Apt., or Lot #	City/Town	State / Zip Code
3	Address Where You Get Your Mail If Different From Above		City/Town	State / Zip Code
4	Date of Birth ___/___/___ Month Day Year	**5** Telephone Number (optional)	**6**	Identification Number (see item 6 under your state)
7	Party Affiliation (See item 7 under your State)		**8**	Race/Ethnicity (see item 8 under your State)

9 I swear/affirm that:
- I am a United States citizen
- I meet the voter eligibility requirements of my state and subscribe to any oath required

(See item 9 under your state before you sign.)
- The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.

Please sign full name (or put mark) ↓

Date: ___/___/___ Month Day Year

10 If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

Detach here

Fold here

Please fill out the sections below if they apply to you.

If this application is for a change of name, what was your name before you changed it?

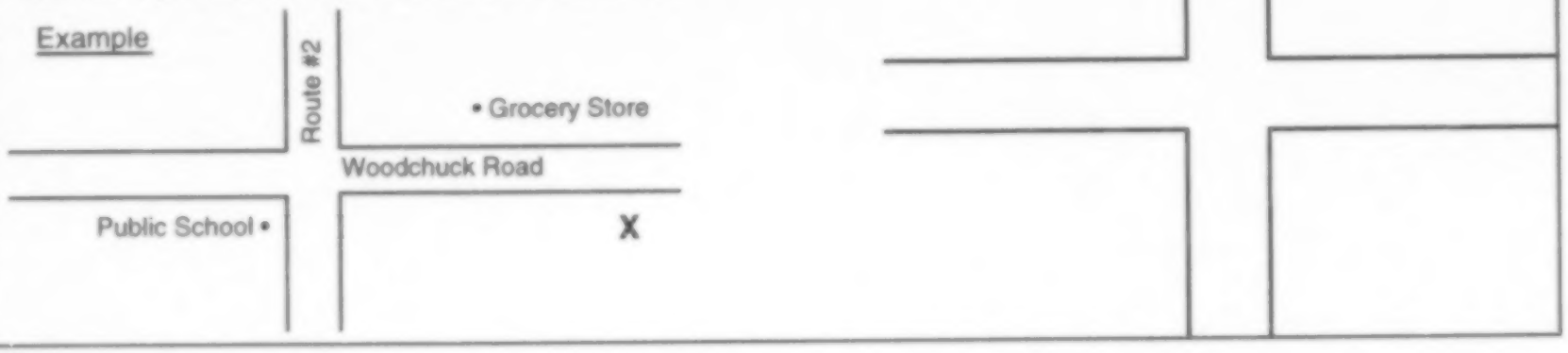
A Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	(Circle One) Jr Sr II III

If this application is for a change of address, what was your last address?

B	Street (or route and box number)	Apt., or Lot #	City/Town	State	Zip Code

If you live in a rural area, or if you have no address, please show on the map where you live.

C
- Write in the names of the crossroads (or streets) nearest to where you live.
- Draw an X to show where you live
- Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.



To Mail: 1. Address the back of this application (see address under your state) 2. Remove plastic strip below. 3. Fold form at middle and seal at top. 4. Put on a first-class stamp and mail.

Specifications for Confirmation Mailing

Size: 4" x 6" This size qualifies the mailing for 19 cents postage.

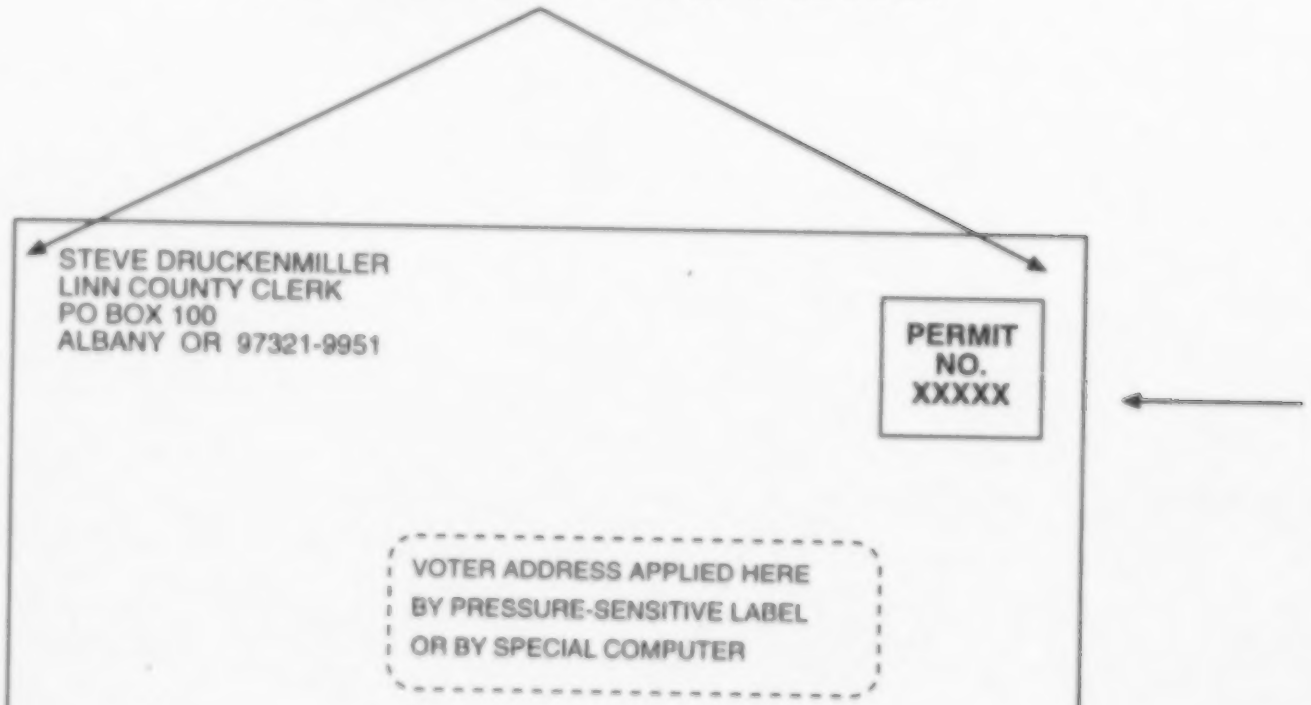
Thickness of paper stock (before folded): The Postal Service recommends 9000dths thickness. The minimum allowed is 7000dths thickness.

Camera-ready artwork: Your local post office will provide you with camera-ready artwork for the "Business Reply" portion of the mailing. This will ensure that it meets postal requirements.

For more information, contact: Postal Business Center— 401 E. South Street, Jackson, MS 39201-9825; Phone: 800-551-8230; Fax: 601-360-2707

OUTSIDE OF MAILER WHEN FOLDED

Glue Spots (ON REVERSE SIDE),
if you elect for Paper Power to glue, fold & seal.



PERFORATION

DETACH HERE
NOT A VOTER REGISTRATION CARD

Name (print or type) Last, First, Middle			Date of Birth
Address Where You Live	City	State	Zip
Mailing Address (if different from above)	City	State	Zip
Phone (Optional)	Name and address of Last Voter Registration		
Social Security # (Optional)	Signature		Date

Confirmation Mailing
(handwritten notation)

INSIDE OF MAILER WHEN FOLDED

Glue Spots (ON REVERSE SIDE),
if you elect for Paper Power to glue, fold & seal.

Dear Voter:

The Scott County Election Commission is updating voter information.

If you live in Scott County:
* Fill-out and return the attached card to vote in future elections.

If you have moved outside Scott County:
* Fill-out and return the attached card to remove your name from the registration books.
* Contact your new local election office to register to vote.

If you do not return this card within 30 days:
* You may have to vote by affidavit ballot in upcoming elections.
* Your registration will be canceled if you do not vote before two federal general elections.

If you have questions:
* Call the Scott County Election Commission at 469-3456.

PERFORATION

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 668 ALBANY OR

POSTAGE WILL BE PAID BY ADDRESSEE

STEVE DRUCKENMILLER
LINN COUNTY CLERK
PO BOX 100
ALBANY OR 97321-9951

POSTNET BARCODE

SECTION 1. **Mississippi Voter Registration Application** MV 11-94

IMPORTANT!

- If you are not registered to vote where you now live, you can use this form to register to vote or report that your name or address has changed.
- If you have questions, call your county Circuit Clerk or call the Secretary of State at 1-800-829-6786.

To register to vote, you must:

- be a U.S. citizen
- live in the state and county for at least 30 days before voting
- be 18 years old by the next general election
- have not been convicted of a crime that bars you from voting or have had your rights restored as required by law
- have not been declared mentally incompetent by a court

IMPORTANT!

- Complete Sections 2, 3, and 4, then mail or hand deliver it to your county Circuit Clerk at least 30 days before the election in which you want to vote.
  County addresses are on the back.
- If you are qualified and the information on your form is complete, you will be mailed a voter card that tells you where to vote.

SECTION 2. **"PLEASE PRINT OR TYPE IN BLUE OR BLACK INK"**

Mr. Mrs. Miss Ms. (Last Name) (First Name) (Middle/Maiden) (Circle If Appropriate) Jr. Sr. II III IV ____

Home Address (Use 911 Address) **Social Security Number**

City County State Zip

Mailing Address (If Different from home address) Date of Birth Mo. Day Year Race (optional)

City State Zip

SECTION 3. IF YOU WERE PREVIOUSLY REGISTERED UNDER A DIFFERENT NAME OR ADDRESS, LIST THAT NAME OR ADDRESS

Last Name First Name Middle/Maiden

Street

City/Town County State Zip

SECTION 4. **VOTER DECLARATION Read and Sign**

I swear/affirm that: I am an U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X _____ _____
Signature (or mark) of applicant Date

X _____
If applicant is unable to sign, the signature of the person who helped fill out this application is required.

_____
Daytime Phone number(s) where applicant can be reached.

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

For Office Use Only

List of County Clerks' Addresses

and

Envelope Front omitted

MV 11/94

Revised Mail-in Registration Application (handwritten notation)

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

The National Voter Registration Act of 1993

What is the NVRA?

The intent of the National Voter Registration Act is:

1. To increase the number of citizens registered to vote and

2. To establish safeguards that ensure a citizen's right to vote.

The Act is designed to increase the number of Americans registered to vote by requiring many public agencies to provide registration opportunities to their clients simultaneous with other services.

Who can use NVRA?

The Act requires that the opportunity to register be provided with *each application* for assistance, renewal/recertification of assistance, or notification of change of address in agencies that provide public assistance or serve persons with disabilities.

Agency staff must provide *the same amount of assistance* to a person completing a voter registration form as they would provide to fill out an agency's own forms.

- If the agency routinely provides services at the person's home, the agency also must provide voter registration services at the person's home.
- If a person registers at an agency, the origin of his or her registration is confidential.

The opportunity to register must be provided to the person who applies for assistance, but not to others on

whose behalf the person might be applying. If the person is applying only on behalf of others, the opportunity to register need not be offered. If you are uncertain whether to offer the opportunity to register to vote, the opportunity should be offered.

Agencies & Election Officials

In Mississippi, voter registration takes place on the county level. It is the job of the county circuit clerk to determine eligibility and register voters. The agencies' role is only to help people apply for voter registration and to forward the application to the county circuit clerk. As agency offices take on their new roles in the voter registration application process, communication between these offices and the county circuit clerks' offices will be vital.

Agency Registration Procedures

Agency Voter Registration Application

The agency voter registration application includes:

- ***declination form*** and
- ***voter registration application.***

Declination Form
(Section 1)

The *declination form* is required by federal law. It documents the interaction between an agency and the person completing the form. *It must be retained by the agency for 24 months.*

Completing the Form

The person should answer the question, "If you are not registered to vote where you live now, would you like

to register here today?" by checking either the "yes" box or the "no" box. The person should sign and date in the space below the check boxes.

If the person checks "yes" on the declination form, he or she should fill out the voter registration application. The person may do so in private or may request help from the provider. It is important that the person have the same opportunity to com[2]plete the declination form and voter registration application as is given to complete agency forms.

If a person checks "no" or does not fill out the declination, assume the person chooses not to register.

The person may choose to take the application with him or her and mail it to the county circuit clerk. In this case, the "no" box would be checked on the declination form. Remember the agency is prohibited from requiring an applicant to personally mail the form.

The NVRA requires that all the information on the declination form be shared with applicants.

Voter Registration Application (Sections 2, 3, 4)

Applicants must fill out each blank on the voter registration application. The provider should review the application to ensure that it is complete and legible.

Providers unsure if an application is complete should forward the application per normal procedure to the county circuit clerk's office.

Completing the Voter Registration Application

A person who chooses to fill out the voter registration application may do so in private or may request help from the provider.

The person must be provided the *same degree of assistance* as is provided to complete agency forms, unless the person refuses such assistance.

The following instructions will help providers answer questions about filling out the application.

Voter Registration
Application Instructions

Section 2

Name. Print last name, first name and middle/ maiden name.

Home Address. This must be the *physical street address* where the person lives. It cannot be a post office box, rural route, or business address.

If the person does not have a traditional address (for example, homeless) then the person must describe in detail the residence location.

Mailing Address. Must be provided only if different from home address.

The circuit clerk needs a mailing address to inform the person of the polling place and precinct where he or she should vote. Also, the circuit clerk may need to verify information by mail.

Social Security Number.

Date of Birth.

Race. This is optional. Choices could include White, Black, Asian, Native American, Hispanic, or Other.

Section 3

This section should be filled out if the person was registered to vote under a different name or address. This

information is used to keep registration lists updated and accurate.

Section 4

The Voter Declaration is a declaration under oath that the person has read and met the requirements for registering to vote.

The applicant must sign and date the application.

If the applicant is unable to sign, he or she should place an "X" or make a mark in the signature box, and the person who helped the applicant fill out the form should sign the application.

The applicant should provide the phone number(s) where he or she can be reached in case the circuit clerk has questions about the application. This could be a work number, home number, friend's house, etc.

What To Do With Complete Voter Registration Forms

1. Separate the declination form from the voter registration application.

2. Keep the declination form in your files for 24 months.

3. Count the number of completed applications received by the agency. Record the count per agency procedures for reporting to the Secretary of State's Office.

4. Send completed voter registration applications to the county circuit clerk's office per agency procedure. The agency should forward the applications within five (5) days of receipt. Include a transmittal sheet with the applications.

[3] *Influencing Persons*

Agency employees shall not:

- influence or attempt to influence persons to choose or not to choose a particular political party or preference, or to register to vote in any particular manner.
- display any political preference or party allegiance.
- make any statement to an applicant or take any action the purpose or effect of which is to discourage the person from registering to vote.
- make any statement to an applicant or take any action the purpose or effect of which is to lead the person to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- disclose any applicant's voter registration information except as needed for the administration of voter registration.

Voter Registration Supplies

Additional blank registration forms may be obtained through usual agency channels.

Contact Information

Each agency must notify the Secretary of State's Office in writing of the name of an agency coordinator and the location of each agency registration site. In addition, each agency should provide to the appropriate county circuit clerk the name of a contact person for each site.

Registering To Vote

The information contained in this section is included for those providers who want to be able to answer general questions about voter registration.

Who may register?

Any person who is:

1. A United States citizen

2. A resident of Mississippi. Must have lived in the state and county (and municipality, if applicable) 30 days before the election in which they want to vote.

3. At least 18 years old by the next general election date. A 17-year-old may register to vote and vote in the primary as long as he or she will be 18 by the general election date.

4. Not convicted of murder, rape, bribery, theft, arson, obtaining money or goods under falsepretense [sic], perjury, forgery, embezzlement, or bigamy, or has had his or her rights restored as required by law.

5. Not declared mentally incompetent by a court.

Deadline To Register

The voter registration deadline is 30 days before the election in which you want to vote. Applications received by the agency on the deadline day must be forwarded to the circuit clerk within five (5) days.

The Secretary of State's Office will notify agencies of registration deadlines as necessary. Once registered in a county, voters may update their registrations (change address, name, etc.) at any time.

How often should I register?

Anytime [sic] information on your voter application has changed since you last registered. This includes home address, mailing address or name. If you are unsure if you are already registered, fill out a new application.

Will I know if my registration was accepted?

The county circuit clerk will mail a voter registration card to let you know that the registration was accepted. If notification is not received within 30 days after the voter registration application was turned in, you should call the county circuit clerk's office, usually located in your county courthouse.

How do I know where to vote?

Your voter registration card will list the location where you vote. Also, you may contact the county circuit clerk's office to find out where to vote.

Will someone be at the polling place to help me?

Yes. Pollworkers will demonstrate how to mark ballots. If a voter is blind, disabled, or can't read or write, he or she also can take someone with them to help.

[4] **What if I can't get into my polling place?**

The pollworkers can bring a ballot to you at the curb outside the polling place. Call your county circuit clerk's office to get more information.

What if I can't get to the polling place on election day?

Certain voters, including those who are physically disabled or are age 65 or older, may apply for and cast an absentee ballot by mail. Registrants who are permanently physically disabled may apply to have their names placed on the permanent absentee list. The county circuit clerk will then mail a ballot for every election.

New laws also allow you to vote absentee if you will be working during polling hours (7 a.m. to 7 p.m.) or if you will be away from your home county on election day.

Check with your circuit clerk several weeks ahead of the election to see if you are eligible to vote absentee.

This Manual

The document has been prepared by the Elections Division of the Secretary of State's Office to assist in the implementation of voter registration in state agencies. It is not meant to supersede federal or state laws or rules, nor does it have the force of law. To obtain copies of the National Voter Registration Act or other information about the contents of this reference manual, or to suggest modifications, you may contact:

Secretary of State
Elections Division
P.O. Box 136
Jackson, MS 39205
Phone (601) 359-6357
Fax (601) 354-6243

For answers to any questions that arise about voter registration, contact your county circuit clerk's office. A list with their phone numbers and addresses will be printed on all voter registration forms.

[LOGO] MISSISSIPPI DIVISION OF MEDICAID

Transmittal Sheet
for
Agency Voter Registration Forms
from
Address of Regional Office

TO: Circuit Clerk of _____ County

FROM: _____, Supervisor

_____ Regional Office

DATE: October 14, 1994

SUBJECT: Voter Registration Forms

Attached are _____ voter registration forms for the week beginning, _____, and ending _____.

Attachments

BUCKLE-UP! IT'S THE LAW!
SAFETY BELTS SAVE LIVES

WELCOME TO
YOUR DEPARTMENT OF PUBLIC SAFETY
DRIVER SERVICES BUREAU

Please fill out this application if you wish to:

- ☑ **Obtain an Operator's License (Class R)**
- ☑ **Obtain a Learner's Permit (17 or Over)**
- ☑ **Obtain a Commercial Driver License (CDL)**
- ☑ **Obtain a Class "D" Comm. License (non-CDL)**
- ☑ **Obtain an Identification Card (ID Card)**
- ☑ **Change your Address**
- ☑ **Change your Name**
- ☑ **Register to Vote ***
  (Section 5 of Application must be completed)

* Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency. If you would like help in filling out your voter registration application form, we will help you. The decision whether to seek or accept help is your choice. You may fill out the application form in private.

If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes. If you choose to register to vote, information regarding the office through which you applied will remain confidential and will only be used for registration purposes.

——— CAREFULLY READ INSTRUCTIONS ON REVERSE SIDE ———

The section numbers on this page explain the matching section numbers on the application below.
The information requested in Sections 1 - 4 must be printed, using black ink.

SECTION 1 — INDICATE TYPE OF APPLICATION AND PROVIDE INFORMATION

With this application, you may apply for one of the following- an Operators License, a Learner's Permit (17 or over), a Commercial Driver License (CDL), a Class "D" Commercial License (Non-CDL) or a Non-Drivers Identification Card You may also use this section to change your name and/or address on your driver license and/or voter registration files

* If you are applying for a driver license, you must hold a valid learners permit and pass a skills test; OR you must present a valid out-of-state driver's license, have a Social Security card, and pass the vision, signs, and rules of the road examinations
* If you are applying for a learner's permit, you must be at least 17 years old (If you are less than 17 years old, ask the examiner for assistance). You must present a certified birth certificate and Social Security card. If you are under 18 years of ape you must also present proof that you are enrolled in school or have completed high school.
* If you are applying for a non-driver's identification card, you must be at least 13 years old. You also must present a certified birth certificate, Social Security Card and have your signature notarized.
* If you are changing your name and/or address on your driver license there is a $5.00 fee for this service. You must also provide official documents reflecting your new name (example: court order, marriage license, birth certificate) A Social Security card alone is not sufficient proof
* If you are currently registered to vote in Mississippi, you may also change your name and/or your address on your voter registration by filling out this application and completing Section 5 on bottom of the form. This is a free service.
* If you are applying for a commercial class "D" license, you must pass a written and vision examination and be at least 17 years of age. If you do not posses a valid license, you will be required to pass a skills test
* If you are applying for a CDL, see the instructions below.

SECTION 2 — MAILING ADDRESS AND PERSONAL INFORMATION

* Complete the mailing address portion ONLY IF you receive your mail at a location that is different from your home address.
* FILL IN ALL BLOCKS PERTAINING TO YOUR AGE AND PHYSICAL DESCRIPTION.

SECTION 3 — DRIVER LICENSE, HEALTH QUESTIONS, AND DECLARATION.

* You must answer all questions in this section. If you answer "YES" to any question, please explain briefly in the space provided.
* Signature of Applicant. Proof read your application. read the declaration and sign using your normal signature. Include the date on your application.

SECTION 4 — REGISTERING TO VOTE

* If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes. If you choose to register to vote, information regarding the office through which you applied will remain confidential and will only be used for registration purposes. If you would like to make application to register to vote, indicate by marking the "YES" block and go immediately to Section 5 and complete. If you choose not to register to vote, indicate by marking the "NO" block and submit your application to the driver's license agent. If you do not check a box, you will be considered to have decided not to register to vote at this time.

DO NOT WRITE OR MARK IN THE AREA BETWEEN SECTION 4 AND SECTION 5. THIS AREA IS FOR DEPARTMENTAL USE ONLY

SECTION 5 — VOTER REGISTRATION APPLICATION

* Under the Motor-Voter Law, you may now make application to register to vote in Mississippi (or update your existing Mississippi Voter Registration) on the same form used for your Driver Services-related application. If you complete Section 5, your registration form will be forwarded to your circuit clerk's office for processing. You will then receive your voter status by mail from your circuit clerk's office.

FOR COMMERCIAL DRIVER LICENSE (CDL) APPLICANTS ONLY

Under the Commercial Motor Vehicle Safety Act of 1986, persons who operate commercial vehicles are required to obtain a Class A, B. or C designation on their driver's license. Please read the following and circle the class of license and endorsements for which you are applying:

Class A— Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

Class B— Any single vehicle with a GVWR of 26,001 or more pounds, and any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

Class C— Any single vehicle less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. This group applies to vehicles which are placarded for hazardous materials or designed to transport 16 or more persons, including the operator.

L — Commercial instruction permit

ENDORSEMENTS

- E - Motorcycle
- H - Hazardous Materials
- N - Tank Vehicles
- P - Passenger Vehicles
- T - Double/Triple Trailers
- X - Tank Veh W/Hazardous End.

If you have circled A, B. C, or L, you are considered a commercial driver. Please provide the following Information:

Name _____

Social Security No._____

Tag number & type of commercial vehicle owned:

_____ _____
State and tag number Type of commercial vehicle

_____ _____
State and tag number Type of commercial vehicle

FOR DEPARTMENTAL USE ONLY
RESTRICTIONS

1. Corrective lenses
2. Restricted for use between the hours 6:00 A.M. and 10:00 P.M.
3. Outside rearview mirror
5. Automatic transmission
8. Motorcycle only
9. Company owned vehicle
A. Daylight driving
B. Custom equipment
C. 45 M.P.H.
D. Re-exam before renewal
G. Prosthetic aid
K CDL vehicle W/O air brakes
S. School bus related functions only
U. Must be accompanied by farm service waiver card

SECTION 1. CHECK THE PROPER BOX FOR YOUR APPLICATION AND FILL OUT COMPLETELY

☐ Operator's License ☐ Learner's Permit ☐ CDL ☐ Class D Comm. Lic. ☐ ID Card ☐ Address change ☐ Name change

PRINT IN BLACK INK

Full Name of Applicant (Last Name) (First Name) (Middle/Maiden) (Circle if Appropriate) Jr. Sr. II III IV ___

Home Address (Use 911 Address) | **Social Security Number**

City State Zip County

SECTION 2. **MAILING ADDRESS (If Different from Home Address)**

Mailing Address

City State Zip

Date of Birth			Age	Race
Mo.	Day	Year		
Sex	Height	Weight	Eyes	Hair

SECTION 3. **ANSWER THE FOLLOWING QUESTIONS**

YES NO

1. ( ) ( ) Have you ever held a driver's license in any state? What state? _____ When? _____ D.L. Number _____
2. ( ) ( ) Has your license or driving privilege ever been suspended, revoked, or cancelled? When? _____ What state? _____
   For what reason? _____
3. ( ) ( ) Have you ever been denied a license? Why? _____
4. ( ) ( ) Do you have any physical defects which would interfere with your ability to operate a motor vehicle safely? Explain _____

I DO SOLEMNLY SWEAR / AFFIRM THAT I AM THE PERSON NAMED AND DESCRIBED HEREIN AND THAT THE STATEMENTS ON THIS APPLICATION ARE TRUE AND CORRECT.

X_____ _____
Usual Signature of Applicant Date

SECTION 4. **DO YOU WISH TO REGISTER TO VOTE ( ) YES ( ) NO IF YES GO TO SECTION 5**

Receipt No.			
L.P. Receipt No.			
Application Fee			
End. Receipt			
Gen. Knowledge			
Signs			
Air Brakes			
Combination			
Motorcycle			
Double/Triples			
Tanker			
Passenger			
Hazmat			
Pre-Trip			
Basic Control			
Road test			

Class of D.L.			
Endorsements			
Restrictions			
ID. Documents			
Acuity	L 20/	R 20/	B 20/
Acuity Corr.	L 20/	R 20/	B 20/
Depth		Color	
Examiner		Badge	

FOR USE BY NOTARY FOR ID CARD
Subscribed and sworn to before me,

Signature _____

Title _____ Seal

Date _____

SECTION 5. **VOTER DECLARATION - Read and Sign**

I swear / affirm that: I am a U.S. citizen. I will have lived in this state and county for at least 30 days before the election, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before the election. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Futhermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on the foregoing application for registration, and that I will faithfully support the Constitution of the United States and the State of Mississippi, and will bear true faith and allegiance to the same.

X_____ _____ _____
Signature (or mark) of applicant Date Daytime Telephone Number

X_____
If applicant is unable to sign, provide signature of person who signed for applicant.

WARNING: The penalty for conviction of false registration is a felony punishable by a fine of not more than Five (5) Thousand Dollars (5,000) or imprisonment for not more than five (5) years, or both.

If you were previously registered to vote under a different name or address, please give that name or address.

Last Name First Name Middle / Maiden

City / Town County State Zip Code

SECTION 1. CHECK THE PROPER BOX FOR YOUR APPLICATION AND FILL OUT COMPLETELY MV 11-94

☐ Operator's License ☐ Learner's Permit ☐ CDL ☐ Class D Comm. Lic. ☐ ID Card ☐ Address change ☐ Name change

PRINT IN BLACK INK

Full Name of Applicant (Last Name) (First Name) (Middle/Maiden) (Circle if Appropriate) Jr. Sr. II III IV

Home Address (Use 911 Address)

City State Zip County **Social Security Number**

SECTION 2 **MAILING ADDRESS (If Different from Home Address)**

Mailing Address

City State Zip

Date of Birth Mo. Day Year | Age | Race

SECTION 5. **VOTER DECLARATION – Read and sign**

I swear/affirm that: I am a U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X_____ _____
Signature (or mark) of applicant Date

X_____ _____
If applicant is unable to sign, the signature of the person who helped fill out this application is required. Daytime Telephone number

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

If you were previously registered to vote under a different name or address, please give that address.

Last Name First Name Middle/Maiden

City/Town County State Zip Code

This is a two-part form. The top portion is an application that may be used to register to vote. The bottom portion is your Driver License Renewal Notice.

Under the new Motor-Voter Law, you may apply to register to vote in Mississippi while renewing your driver license. If you would like to apply to register to vote, complete Sections 1 and 2 of this form and bring it with you to the driver license office. Your registration form will be forwarded to your local circuit clerk who will notify you of your voter status. If you choose to register to vote, information regarding the office through which you applied will remain confidential and will only be used for registration purposes. If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes.

If you wish only to renew your license, bring this entire form (uncompleted) with you and present it at the driver license office.

This voter registration form may also be used to change your address and/or you name on your existing voter registration file. Be sure to indicate if this application is for a new registration address change, or name change by checking the appropriate box(s) below.

SECTION 1. | | **NEW REGISTRATION** | | **ADDRESS CHANGE** | | **NAME CHANGE**

Mr. Mrs. Miss Ms. (Last Name) (First Name) (Middle/Maiden) (Circle If Appropriate) Jr. Sr. II III IV

Home Address (Use 911 Address) **Social Security Number**

City County State Zip

Mailing Address (If Different from home address) Date of Birth Mo. Day Year Race

City State Zip

If you were previously registered to vote under a different name or address, please list that name or address.

Last Name First Name Middle/Maiden

City/Town County State Zip

SECTION 2. **VOTER DECLARATION Read and Sign**

I swear/affirm that: I am an U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X _____ Signature (or mark) of applicant _____ Date

X _____ If applicant is unable to sign, the signature of the person who helped fill out this application is required. _____ Date

_____ Daytime Phone number(s) where applicant can be reached.

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

ISSUE DATE | EXPIRATION DATE | WT.

HT. | CLASS | RESTR. | ENDORSEMENTS

X _____

THIS IS YOUR MISSISSIPPI DRIVER'S LICENSE RENEWAL NOTICE. TAKE THIS CARD TO YOUR LOCAL DRIVER'S LICENSE OFFICE FOR RENEWAL PRIOR TO THE EXPIRATION DATE OF YOUR CURRENT LICENSE. TO EXPEDITE YOUR RENEWAL, PLEASE READ AND FOLLOW THE INSTRUCTIONS BELOW:

(1) Do not fold, mutilate, or write on this card, as it must be photographed;

(2) Check the personal information and if corrections are needed, inform the agent in Driver's License Office at the time of renewal. **DO NOT MAKE THE CORRECTIONS YOURSELF;** and

(3) You will pay the proper fee, have your picture taken, and recieve your driver license by mail.

NOTICE

Checks dishonored for any reason will result in the cancellation of the renewal license. A charge for reinstatement, plus the amount of your dishonored check must be paid before you can regain you privilege to drive.

Mississippi Voter Registration Application MV 11-94

"If you are not registered to vote where you now live, would you like to apply tor register to vote here today?"

☐ **Yes** ☐ **No** **Signature**_____ **Date**_____

If you do not check a box, you will be considered to have decided not to register to vote at this time.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency. If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private. If you believe someone has interfered with your right to register or decline to register to vote or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the Secretary of State at 401 Mississippi St., Jackson, MS 39201 or by calling 1-800-xxx-xxxx.

If you decline to register to vote, that decision will remain confidential and will only be used for registration purposes. If you choose to register to vote, information regarding the office through which you applied will remain confidential and will only be used for registration purposes.

SECTION 2. **COMPLETE THIS SECTION**

Mr. Mrs. Miss Ms. (Last Name) (First Name) (Middle/Maiden) (Circle If Appropriate) Jr. Sr. II III IV ____

Home Address (Use 911 Address) **Social Security Number**

City County State Zip

Mailing Address (If Different from home address) Date of Birth Mo. Day Year Race (optional)

City State Zip

SECTION 3. IF YOU WERE PREVIOUSLY REGISTERED UNDER A DIFFERENT NAME OR ADDRESS, LIST THAT NAME OR ADDRESS

Last Name First Name Middle/Maiden

Street

City/Town County State Zip

SECTION 4. **VOTER DECLARATION Read and Sign**

I swear/affirm that: I am an U.S. citizen. I will have lived in this state and county for at least 30 days before voting, and if a resident of a municipality, I will have lived in the municipality for at least 30 days before voting. I have never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I am at least eighteen (18) years old (or I will be before the next general election), the information given by me is true and correct and that I have truly answered all questions on this application for registration, and that I will faithfully support the constitution of the United States and of the State of Mississippi and will bear true faith and allegiance to the same.

X_____ _____

Signature (or mark) of applicant Date

X_____ _____

If applicant is unable to sign, the signature of the person who helped fill out this application is required. Date

_____

Daytime Phone number(s) where applicant can be reached.

WARNING: False registration is a felony. The penalty for conviction is imprisonment for not more than five (5) years or fine of not more than five thousand dollars ($5,000) or both.

For Office Use Only

MV 11/94

Agency Form (handwritten notation)

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OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

[SEAL]

July 1994

Status Report on National Voter Registration Act

Presented by
Elections Division
Constance Slaughter-Harvey
Assistant Secretary of State

STATE OF MISSISSIPPI: IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT

Working Together

Mississippi has been utilizing the talents of its diverse citizenry in its journey toward full implementation of the National Voter Registration Act (NVRA) in January 1995.

The NVRA Implementation Committee, created by the Governor's Executive order #739 in December 1993, is committed to ensuring Mississippi's compliance and educating the public. The NVRA Working Group has established effective administrative procedures for the motor-voter and agency-based registration programs. The Elections Reform Task Force, sponsored by the office of the Secretary of State, is providing input on mail-in registration, as well as the list maintenance and fail-safe voting issues.

Motor-Voter

Processing voter registration applications will not be new to Mississippi's Department of Public Safety. A voluntary motor-voter program was instituted in July 1992 along with mail-in registration. This program will be enhanced by a new form which will allow the individual to apply for a driver's license and voter registration simultaneously. The renewal notice mailed to an individual's home will have a voter application attached. Records of an individual's decision to apply or decline

will be kept confidential on computer for two years. Since Mississippi has a driver's license office in all but two counties, applications will be transmitted from the local office to the local registrar. Hand-delivery is anticipated to be the method of transmittal.

Agency-Based Registration

Representatives from the targeted agencies have embraced the task of implementing office procedures that will incorporate the NVRA requirements and accommodate applicants. The agency voter registration form will consist of a detachable declination form containing the required wording and a registration application similar to the mail-in form. The declination forms will be stored at the agency offices in a separate file. Most of the agencies will transmit applications from the local office to the local registrar. Those with regional offices are considering sorting applications collected in the field and routing them to the proper registrars. Methods of transmittal will include hand-delivery, regular mail, and certified mail.

[2] Mail-in Registration

Mississippi's mail-in registration program has been in place for two years, with successful results. During the 1994 legislative session, the mail-in registration deadline was changed from 60 days to 30 days. The mail-in form will be redesigned to make it more reader-friendly and to comply with the Federal Election Commission's Rules and Regulations regarding content.

Training/Public Information

Various forums have been utilized to educate Mississippi's elections officials, other public officials, and the public about the NVRA. These forums have included statewide conventions, publications, and the Fifth Annual Voter Awareness Conference, sponsored by the Elections Division of the Secretary of State's Office. A public information campaign will be a part of Mississippi's educational efforts.

Formal NVRA training efforts kick off July 14 at the Circuit Clerk's Statewide Convention. This will be followed by regional training sessions for the Election Commissioners Association of Mississippi. Using a train-the-trainer approach, the Elections Division will train key Department of Public Safety and Agency personnel, who will, in turn, train their office personnel and implement their new office procedures.

Legislation

A few non-conforming state statutes remain. These include an attesting witness requirement on the mail-in form and the option to purge a registrant's name for failing to vote in four years. Attached is a list of the required statute changes and additions.

The Implementation Committee, which includes the chairs of both the House and Senate Elections Committees, is proceeding with the full and timely implementation of the NVRA, and fully expects the non-conforming technicalities in state law to be corrected swiftly when the state legislature reconvenes in January.

"Comparing Notes"

Throughout this process, the staff of the Elections Division has paid close attention to the NVRA activities in other states, and has consulted many about their implementation plans. These statues include Tennessee, Alabama, Georgia, Florida, New York and Louisiana, which have all passed their conforming legislation. They have been generous in sharing their ideas and their work on the required forms and procedures. The Elections Division will continue to consult other states, and is in the process of planning some on-site visits.

[3] State of Mississippi Compliance with the NVRA

Mississippi Statute Changes

Section 23-15-43

Include automatic review of those denied registration using mail-in, motor-voter or agency registration applications.

Section 23-15-45

Registrars must send an acknowledgment notice informing applicants of the disposition of their application.

Section 23-15-47

The mail-in registration form may request only information determined "necessary" for registration by the Federal Election Commission (FEC).

The attesting witness requirement on the mail-in form must be repealed.

Forms similar in content to the mail-in form must be made available through driver's license offices, designated public agencies and Armed Forces recruitment offices.

The federal mail-in form must be accepted.

Section 23-15-153

Change deadline for revision of registration lists from 60 days before the election to 90 days.

Section 23-15-159

Repeal discretion to remove names of persons who have not voted in 4 years.

Sections 23-15-13, -14, and -573

Amend to conform to fail-safe election day provisions.

New Legislation

Make NVRA provisions applicable to state and local elections to avoid a dual registration system.

Outline legal requirements for administration of motor-voter and agency-based registration programs.

Ensure confidentiality of registration source for those who apply through the motor-voter and agency programs.

[4] Establish complaint procedures for motor-voter and agency-based programs.

Establish recordkeeping and reporting procedures.

Establish provisions for a general list maintenance program, including active measures to discover changes of address, and procedures for purging.

Remove names only upon conviction of a disenfranchising crime, declaration of mental incapacitation, death, or written notification of a change to an address outside the registrar's jurisdiction.

Establish procedures for placing a registrant on the new inactive list, and their removal from the voter roll if they fail to respond to a required confirmation notice and from the date of that notice, fail to vote in two subsequent federal general elections.

Establish fail-safe election day provisions designating the polling place where those who qualify should vote.

Mississippi

[SEAL]

Election Update

SECRETARY OF STATE DICK MOLPUS
NOVEMBER 1994 VOL. 5 NO. 2

New election law goes into effect

Mississippi's new election law – House Bill 1809 – is in effect, with the November general election its first time to be used.

H.B. 1809 was passed by the 1994 Legislature but could not be put into effect until the U.S. Justice Department pre-cleared it. When that occurred Sept. 6, the result was great confusion among candidates and elections administrators.

The questions were quick and wide-ranging:

- Who is eligible to run?
- Can more people qualify?
- What about the party primaries in June?

And on, and on.

Secretary of State Dick Molpus said judicial candidates throughout Mississippi "must be the most frustrated people alive" because of the difficulties they had to deal with through two different qualifying periods, party elections, and the aftermath of H.B. 1809's taking effect to void the results of those party elections.

The good news: during the candidate qualifying period this spring, the Secretary of State's Office strongly advised all judicial candi-

Continued on Page [79]

'95 qualifying date March 1

Candidates who want to run for most state, county, and county-district offices must qualify by March 1 – with the pre-clearance of New Election Law H.B. 1809.

Previously, the qualifying deadline was keyed to 60 days prior to the primary election date.

This law as passed during the 1994 legislative session and established non-partisan judicial elections. The U.S. Justice Department pre-cleared the change Sept. 6.

The new qualifying date becomes effective Jan. 1, 1995.

This change is reflected in Miss. Code Ann § 23-15-299 and will not apply to municipal offices.

All party candidates and all independent candidates must file their qualifying statements, qualifying fees or petitions by 5 p.m. March 1 of the year in which they wish to run.

Secretary of State Dick Molpus urged election administrators to inform their constituents about this change.

NVRA to take effect Jan. 1

'Motor Voter' hearings set

Hearing on Mississippi's draft legislation for compliance with the National Voter Registration Act will be held

at the Capitol in November, said Sen. Kay Cobb of Oxford, chair of the Senate Elections Committee.

Senator Cobb said the hearing will be held in Room 216 from 10:30 a.m. to 5 p.m. Nov. 16 and from 8:30 a.m. to 4:30 p.m. Nov. 17, during a joint meeting with the House Apportionment and Elections Committee.

"The hearings will be open to anyone interested in attending." she said.

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VOTE FOR MISSISSIPPI'S FUTURE

Mississippi Election Update **Page 2**

State gearing up for 'Motor Voter'

Mississippi is in the final stages of preparation for the National Voter Registration Act (NVRA), commonly known as the "motor voter" law, which is slated to go into effect throughout the country in January.

In Mississippi, NVRA plans have been carefully developed through consultation with election officials and representatives from the affected state agencies, including the Highway Patrol, the Department of Health, the Department of Human Services, the Department of Rehabilitation Services, and Division of Medicaid.

Mississippi's mail-in registration form is being redesigned to comply with federal rules and to make it easier to use.

Legislation to bring Mississippi into compliance has been drafted and final drafts of the motor voter and

agency-based registration forms are expected to be ready by mid-October. Mississippi's mail-in registration form is being redesigned to comply with federal rules and to make it easier to use.

Information on the NVRA was presented to the Circuit Clerks Association and the Election Commissioners Association of Mississippi in July.

The Secretary of State's Elections Division is planning an additional training session for circuit clerks and the chairs of the county election commissions. Training sessions for agency personnel on their NVRA responsibilities are scheduled for October and November.

Under NVRA, Mississippians will be able to apply to register to vote at driver's license examining stations, state agencies that provide public assistance, state agencies that provide services primarily to the disabled, and Armed Forces recruiting offices. These offices will forward the applications to the proper circuit clerk.

Committee leads the way to develop 'Motor Voter'

Mississippi's NVRA Implementation Committee, created by Executive Order in December 1993, is charged with the task of ensuring Mississippi's compliance with this far-reaching act.

Members of the committee are: Ms. Mary Bankston, member at-large; Tommy Bond, director, Division of Economic Assistance; Ms. Gwen Clinton, Election Commissioners Association of Mississippi; Rep. Bill Denny, chairman of the House Apportionment and Elections

Committee; Ms. Therese Hanna, director of policy and planning, Mississippi Department of Health; Greg Hinkebein, Office of the Governor; Joe Martin, Mississippi Circuit Clerks Association;

Leslie Southwick, member at-large; the Rev. Rims Barber, Mississippi Democratic Party; Phil Carter, special assistant attorney general; Sen. Kay Cobb, chairman of the Senate Elections Committee; Maj. Ron Ford, director of Driver Services, Department of Public Safety; Ms. Constance Slaughter-Harvey, assistant secretary of state for Elections; Bill Jordan, member at-large; Jerry Sawyer, director, Division of Vocational Rehabilitation; Chris Webster, executive director, Mississippi Republican Party; and Terrence Williams, Federal Voting Assistance Program.

Poll worker's pay exemption in '95

A new federal law, which goes into effect in January, will raise the Social Security and Medicare exclusions for election workers from $100 to $1,000 per calendar year.

H.B. 4277 – the "Social Security Independence and Program Improvements Act of 1994" – was passed by Congress in August. The law also contains an inflation index that will raise the exemption amount beginning in the year 2000.

Because the law does not go into effect until 1995, poll workers who serve at the 1994 general election **are still subject** to the $100 exemption limit.

Election:

Continued from Page [75]

dates to qualify twice – once for the scheduled June primaries, if they were party candidates, and again by May 6 in the event that H.B. 1809 was approved by Justice.

Nearly every candidate who qualified by the first deadline, April 6, also qualified under the proposed non-party rules, Elections Division reports indicated.

Now, it's on to the general election in November when ballots statewide will contain the names of candidates for:

- Federal posts of U.S. Senator and U.S. House of Representatives
- A constitutional amendment
- 10 new Court of Appeals seats
- Chancery judges races, including 6 new chancellors
- Circuit judges races, including 8 new judges

If a run-off is necessary, it will be held Nov. 22.

In the Southern Supreme Court District, the ballot will reflect one race for which incumbent Chuck McRae is the only candidate.

The new law also provides that if the senior chancellor in the district wants to appoint a family master, he or

she must inform the Supreme Court's chief justice for approval.

Legal assistance for district attorneys were approved in eight circuit districts.

Judicial candidates, from now on, must be non-party and distance themselves from political party activity or relationships, said Reese Partridge, senior attorney with the Elections Division. "I know some questions are bound to come up about this non-party status, so I urge anyone with questions to contact us," he said.

The 'Herd' Method

Chancellors and circuit judges in some multi-judge districts will be elected by the "herd" method – a mathematical formula developed to help decide what the margin of victory is.

For chancellors, that includes 1st, 6th, 12th, and 18th districts.

For circuit judges, that includes 1st, 3rd, 5th, 10th, 14th, 15th, 16th, and 20th districts.

Here is how the math works:

1. Total up votes for all candidates. Divide by the number of judgeships available, then divide by 2.

2. No run-off is necessary if the number of candidates with votes greater than the majority is equal to or greater than the number of judgeships. If there are more candidates over the majority than there are judgeships, the winners are the top voter-getters, equal in number to the number of judgeships.

3. A run-off is necessary when the number of candidates with votes greater than the majority is less than the number of judgeships. While the candidates with more than the majority are elected, the number of candidates going into the run-off is determined by multiplying the number of remaining judgeships by 2. Those candidates with the next-highest vote totals have their names submitted to the run-off.

Election Task Force Prepares Proposals

The Elections Reform Task Force has been busy preparing proposals for the 1995 Legislative Sessions – meeting in June, August and September to formulate its agenda.

Proposals will include a campaign finance reporting threshold of $200 in aggregate for all candidates and committees and to require state certification of voting machines. State certification would require vendors to prove their equipment meets the requirements of the Mississippi Code.

Also, the Task Force will recommend changes to correct several contradictory or confusing sections of the code, especially statutes dealing with ballot write-in provisions and with contesting qualifications of a candidate.

Task Force members have expressed strong support for Mississippi's compliance with the National Voter Registration Act. Recommendations related to the NVRA include making the state mail-in voter application form a self-mailer with the addresses of all circuit clerks listed on the back.

The Task Force continues to support changing the school bond issue passage threshold from 60 percent to a simple majority and consolidating special elections to fill vacancies with the November election.

Mississippi Election Update **Page 4**

Students, agency cooperating on voter registration

Beginning a tradition of voting – that's what the Mississippi Secretary of State's Office has been nurturing this summer and fall working with students, administration and faculty throughout the state to register students to vote.

This summer a group of students called "Southern Echo" met with members of the Elections Division in hopes of establishing a viable voter registration and education program targeted toward college students. "Southern Echo" is comprised of students from colleges and universities throughout the state searching for ways to motivate students to register and vote.

Following the visit, "Southern Echo" and the Elections Division began developing a plan to conduct voter registration and education drives on state campuses.

The first phase of the program was to work with all two- and four-year colleges, public and private, in an effort to educate students on the values of voting and participating in the upcoming November elections. Staff members worked with orientation directors, registrars, and student governments in conducting voter registration.

More than 3,000 college students from 19 schools across the state have participated in the program. Staff members from the Secretary of State's office were on hand to speak to students, as well as to answer technical questions about mail-in voter registration laws.

Elections Division staff to contact:
601-359-6357 or 1-800-829-6786

- **Constance Slaughter-Harvey,** Assistant Secretary of State for Elections and General Counsel
- **Jesse Griffin,** Elections Bureau Director
- **Reese Partridge,** Staff Attorney
- **Jim Mangum,** Special Projects Officer
- **Gary Harris,** Special Projects Officer
- **Cora Jones,** Administrative Assistant
- **Lane Rosson,** Legal Clerk
- **Kate Margolis,** NVRA Coordinator
- **Angela Brooks, Quemardo Castilla** and **Margo Carr,** Interns

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Election Addresses, telephone numbers:

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(601) 359-6357
Toll-free 800-829-6786

U.S. Department of Justice
Civil Rights Div., Voting Sect.
Room 716, 320 1st Street, N.W.
Washington DC 20001
(202) 724-5897

U.S. Voting Assistance
Pentagon, Room 1B457
Washington DC 20301-1155

Democratic Party of Miss.
P.O. Box 1583
Jackson MS 39216-1583
(601) 969-2913

Miss. Republican Party
P.O. Box 60
Jackson MS 39215-0060
(601) 948-5191

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[SEAL] **DICK MOLPUS**
SECRETARY OF STATE
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JACKSON MS 39205

PART FOUR - STATE LEGISLATION

Summary

The NVRA Implementation Committee, created by the governor's Executive Order No. 739 in December 1993, is charged with ensuring Mississippi's compliance with the Act, and with drafting any needed compliance legislation.

Draft legislation was completed in August. The Senate Elections Committee held a hearing on the NVRA on November 16, 1994 at the State Capitol. The hearing was open to the public. Secretary of State Staff presented an overview of the requirements of the federal law and a page-by-page walk-through of the draft legislation.

Included in this section:

- list of people who attended the hearing
- summary of discussion at the hearing
- testimony of the League of Women Voters of Mississippi
- testimony of the Elections Reform Task Force
- draft legislation
- the membership of the various committees that have worked on NVRA implementation

MISSISSIPPI LEGISLATURE REGULAR SESSION 1995

By: Senator(s) Cobb To:

SENATE BILL NO. ___

* * *

SECTION 4. (1) County registrars shall receive valid voter registration applications forwarded by voter registration agencies and the Department of Public Safety and shall place the name of the persons whose valid applications have been forwarded to them twenty-five (25) days before any election on the pollbook so that such voter may vote at such election if the applicant is otherwise qualified to register to vote in the county.

(2) If the application indicates that the applicant lives within the corporate limits of a municipality within the registrar's county, the county registrar shall forward a duplicate copy of the application for registration and any changes to such registration when they occur, either by certified mail to the clerk of the applicant's present home address or by personal delivery to such clerk, provided that a numbered receipt is signed by such clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to such registration, the clerk of the municipality shall register the applicant as a municipal elector and make a determination of the municipal voting precinct in which the applicant shall be registered to vote if a review of the application indicates that the applicant meets all the criteria necessary to qualify as a municipal elector. The clerk shall send this municipal voting precinct information by United States first class mail, postage prepaid, to the applicant at the address provided on the application. Any and all mailing costs incurred by the county registrar or

the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of the municipality. If a review of the copy of the application indicates that the applicant is not qualified to vote in the municipality, the clerk of the municipality shall deny the application and notify the applicant.

(3) The registration date for a valid application made through a driver's license examining station or a voter registration agency shall be the date when the application is made.

* * *

SECTION 7. (1) Each county registrar shall ensure than any qualified applicant for voter registration is registered to vote. Once a voter is registered, the name of that voter shall not be removed from the registration books and pollbooks except (a) at the written request of the voter, (b) by reason of the voter's conviction of a disenfranchising crime as provided in Section 241, Mississippi Constitution of 1890, or as may be provided by legislation adopted pursuant to Section 244-A, Mississippi Constitution of 1890, (c) by reason of adjudication of the voter as mentally incapacitated with respect to voting, (d) by death of the voter, or (e) pursuant to a registration book and pollbook maintenance program or other registration book and pollbook maintenance activity conducted pursuant to law.

(2) Information received by an election commission from an election official in another jurisdiction indicating that a voter in the election commission's county has registered to vote in another jurisdiction shall be considered as a written request from the voter to have the voter's name

removed from the registration books and pollbooks of the election commission's county.

(3) Each election commission shall maintain for at least two (2) years, and make available for public inspection and copying, all records concerning implementation of registration book and pollbook maintenance programs and activities conducted pursuant to Section 9 of this act. The records shall include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but shall not include any information that is confidential or exempt from the Mississippi Public Records Act of 1983.

SECTION 8. The Secretary of State shall prescribe certain registration book and pollbook maintenance forms to be u[illegible] by the election commission, which shall include:

(a) An address confirmation which shall be a nonforwardable mailing that shall contain the voter's name and address of legal residence as shown on the voter registration record and shall contain a request that the election commission be informed if either the name or the address of legal residence of the voter is incorrect.

(b) An address confirmation final notice, which shall be sent by forwardable mail and shall contain a postage prepaid pre-addressed return form and shall contain language which states the equivalent of the following:

(i) That if the voter has not changed his or her address of legal residence or has changed address of

legal residence within the county, or has changed his or her legal name, the voter should return the return form within thirty (30) days after the date of the notice.

(ii) That if the return form is not returned and the voter does not offer to vote by the second federal general election thereafter, the voter's name will be removed from the voter registration books.

(iii) That if the voter has changed his or her address of legal residence to a location outside the county the voter should return the form, which will serve as a request to be removed from the registration books, and the voter will be provided with information on how to register in the new jurisdiction in order to be eligible to vote.

(iv) That if the card is not returned, the voter may be required to vote by affidavit ballot in any subsequent election up to the second federal general election after the confirmation mailing is sent.

SECTION 9. (1) County election commissions shall conduct an ongoing general registration book and poll-book maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. The program must be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965.

(2) County election commissions shall incorporate one or both of the following procedures in their registration list maintenance program: (a) a procedure by which change-of-address information supplied by the United

States Postal Service through its licensees is used to identify registered voters whose addresses might have changed, or (b) a procedure by which change-of-address information is identified from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county.

(3) A registration book and pollbook maintenance program shall be conducted by each election commission at least once each year and shall be completed not later than ninety (90) days prior to the date of any federal election. A voter's name may not be removed from the registration books or pollbooks later than ninety (90) days prior to the date of a federal election; provided, however, that nothing in this section shall prohibit the removal of the name of a voter from the voter registration books and pollbooks at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a disenfranchising crime, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter or by failure of the voter to meet any other qualification required of persons to vote.

(4)(a) If the county election commission receives change-of-address information from one of the procedures authorized in subsection (2) of this section or from jury notices returned to the courts, that indicates the voter has moved from one location to another within the registrar's county, the election commission shall change the registration records to show the new address and shall send the voter a notice of the change by forwardable mail on which the registrant may verify or correct the address information.

(b) If the county election commission receives change-of-address information from one of the procedures authorized in subsection (2) of this section or from jury notices returned to the courts that indicates the voter has moved outside the registrar's county or receives change-of-address information that contains no forwarding address, the county election commission shall send an address confirmation final notice to the last known address of the voter and designate the voter as inactive. The registrar shall redesignate the voter as active if, within the next two (2) federal general elections after the address confirmation final notice is sent, the voter (i) returns the postage prepaid pre-addressed return form and indicates that his residence is in the registrar's county, (ii) votes by affidavit ballot in the registrar's county as authorized by subsection (5) of this section at an election that is conducted in the registrar's county, (iii) changes his or her voter registration to another location in the registrar's county, or (iv) properly requests an absentee ballot for an election that is conducted in the registrar's county. If the voter is not redesignated as active within the next two (2) federal general elections after the address confirmation final notice is sent, the county election commission shall remove the voter from the registration books and poll-books.

(5) A voter who has been designated as inactive may vote at the precinct in which he or she resides by affidavit ballot at any election that occurs within the next two (2) federal general elections after the address confirmation final notice is sent, and may change his or her

name or address of legal residence at the polls by completing the affidavit ballot.

(6) Voters designated as inactive shall not be used to calculate the number of signatures needed on any petition.

* * *

SECTION 16. Section 23-15-11. Mississippi Code of 1972, is amended as follows:

23-15-11. Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector by an officer of this state under the laws thereof, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.

SECTION 17. Section 23-15-13, Mississippi Code of 1972, is amended as follows:

23-15-13. An elector who moves from one ward or voting precinct to another ward within the same municipality or voting precinct within the same *county* shall not be disqualified to vote, but he shall be entitled to have his

registration transferred to his new ward or voting precinct upon making written request therefor at any time up to thirty (30) days prior to the election at which he offers to vote, and if the removal occurs within thirty (30) days of such election he shall be entitled to vote in his new ward or voting precinct by affidavit ballot as provided in Section 23-15-573.

SECTION 18. Section 23-15-47, Mississippi Code of 1972, is amended as follows:

{Until Section 1, Chapter 600, Laws of 1994, is effectuated under Section 5 of the Voting Rights Act of 1965, this section shall read as follows:}

23-15-47. (1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least sixty (60) days prior to any election. The postmark date of a mailed application shall be the date of registration. *An* applicant is subject to the penalties provided in Section 23-15-17 for false registration. Any person who willfully swears falsely to any material matter on a mail-in application is guilty of perjury and, upon conviction thereof, shall be punished as provided in Section 97-9-61.

(b) Upon receipt of a mail-in application, the county registrar shall stamp such application with the

date of receipt. Within twenty-five (25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

(c) If the county registrar determines that the applicant is qualified and his application is legible and complete, he shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, polling place and supervisor district in which such person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. Said registration cards shall be provided by the county registrar. The registrar shall assign a voter registration number to such person, which shall be that person's Social Security number if such a number is provided, and said voter registration number shall be clearly shown on the application and on the written notification of approval. In mailing such written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD." If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) An incomplete portion of the application which makes it impossible for the registrar to determine the eligibility of the applicant to register;

(ii) A portion of the application which is illegible in the opinion of the county registrar and makes it impossible to determine the eligibility of the applicant to register;

(iii) The county registrar is unable to determine, from the address and information stated on the application, the precinct in which the voter should be assigned or the supervisor district in which he is entitled to vote;

(iv) The applicant is not qualified to register to vote pursuant to Section 23-15-11;

(v) The registrar determines that the applicant is registered as a qualified elector of the county.

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraphs (d)(i) through (iii) of this subsection, and it appears to the registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the registrar may write or call the applicant at the telephone number provided on the application. If the registrar is able to contact the applicant by mail or telephone, he shall attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone or is not sufficient, the registrar shall give the applicant written notice of the rejection and provide the reason for such rejection. The registrar shall further inform the applicant that he has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the registration book, the mail-in application shall be deemed a written request to transfer registration pursuant to Section 23-15-13. Subject to the time limits and other provisions of Section 23-15-13, the registrar or the election commissioners shall note the new residence address on his records and, if necessary, transfer the applicant to his new precinct, advise the applicant of his new precinct, polling place and supervisor district, and notify the municipal clerk of any such changes on a monthly basis.

(3) The instructions and the application form for voter registration by mail shall be *prescribed by the Secretary of State* and shall contain, *at a minimum,* the information *required of certain other voter registration applications by Section 5 of Senate Bill No. ___, 1995 Regular Session.*

(4)(a) The Secretary of State shall prepare and furnish without charge the necessary forms for application for voter registration by mail to each county registrar, municipal clerk, all public schools, each private school that requests such applications, and all public libraries.

(b) Bulk quantities of forms for application for voter registration by mail shall be furnished by the Secretary of State to any person or organization. The Secretary of State *may* charge a person or organization the actual cost he incurs in providing bulk quantities of forms for application for voter registration to such person or organization.

(5) The originals of completed mail-in applications shall remain on file in the office of the county registrar in accordance with Section 23-15-113. Nothing in this section shall preclude having applications on microfilm or microfiche.

(6) If the *mail-in application indicates that the applicant lives within the corporate limits of a municipality within the registrar's county,* the county registrar shall forward notice of registration, a duplicate copy of the application for registration, and any changes to such registration when they occur, either by certified mail to the clerk of the municipality indicated in the *application* or by personal delivery to such clerk, provided that a numbered receipt is signed by such clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to such registration, the clerk of *the* municipality shall register the applicant as a municipal elector and make a determination of the municipal voting precinct in which the person making the application shall be required to vote if a review of same indicates that the applicant meets all the criteria necessary to qualify as a municipal elector. The clerk shall send this municipal voting precinct information by United States first class mail, postage prepaid, to *the applicant* at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of such municipality. If a review of the copy of the application for registration or changes to such registration indicates that the applicant is not qualified to vote in *the* municipality, the clerk of *the* municipality shall deny such application and notify applicant.

(7) If the *application indicates that the applicant has registered to vote in another county or state,* the registrar or clerk shall send written notice of this new registration by regular United States mail to the registrar or clerk of the county stated *by the voter* as the voter's previous place of registration. The information shall include the complete name, address and age of the voter and shall include the Social Security number of such voter if it has been previously supplied. The election commission of the voter's previous place of registration shall be responsible for having such voter's name erased from the appropriate registration book and pollbook.

{From and after the date Section 1, Chapter 600, Laws of 1994, is effectuated under Section 5 of the Voting Rights Act of 1965, this section shall read as follows:}

23-15-47. (1) any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application shall be the date of registration. *An* applicant is subject to the penalties provided in Section 23-15-17 for false registration. Any person who willfully swears falsely to any

material matter on a mail-in application is guilty of perjury and, upon conviction thereof, shall be punished as provided in Section 97-9-61.

(b) Upon receipt of a mail-in application, the county registrar shall stamp such application with the date of receipt. Within twenty-five (25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

(c) If the county registrar determines that the applicant is qualified and his application is legible and complete, he shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, polling place and supervisor district in which such person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. Said registration cards shall be provided by the county registrar. The registrar shall assign a voter registration number to such person, which shall be that person's Social Security number if such a number is provided, and said voter registration number shall be clearly shown on the application and on the written notification of approval. In mailing such written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD." If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) An incomplete portion of the application which makes it impossible for the registrar to determine the eligibility of the applicant to register;

(ii) A portion of the application which is illegible in the opinion of the county registrar and makes it impossible to determine the eligibility of the applicant to register;

(iii) The county registrar is unable to determine, from the address and information stated on the application, the precinct in which the voter should be assigned or the supervisor district in which he is entitled to vote;

(iv) The applicant is not qualified to register to vote pursuant to Section 23-15-11;

(v) The registrar determines that the applicant is registered as a qualified elector of the county.

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraphs (d)(i) through (iii) of this subsection, and it appears to the registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the registrar may write or call the applicant at the telephone number provided on the application. If the registrar is able to contact the applicant by mail or telephone, he shall attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone

or is not sufficient, the registrar shall give the applicant written notice of the rejection and provide the reasons for such rejection. The registrar shall further inform the applicant that he has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the registration book, the mail-in application shall be deemed a written request to transfer registration pursuant to Section 23-15-13. Subject to the time limits and other provisions of Section 23-15-13, the registrar or the election commissioners shall note the new residence address on his records and, if necessary, transfer the applicant to his new precinct, advise the applicant of his new precinct, polling place and supervisor district, and notify the municipal clerk of any such changes on a monthly basis.

(3) The instructions and the application form for voter registration by mail shall be *prescribed by the Secretary of State* and shall contain, *at a minimum*, the information *required of certain other voter registration applications by Section 5 of Senate Bill No. ___, 1995 Regular Session.*

(4)(a) The Secretary of State shall prepare and furnish without charge the necessary forms for application for voter registration by mail to each county registrar, municipal clerk, all public schools, each private school that requests such applications, and all public libraries.

(b) Bulk quantities of forms for application for voter registration by mail shall be furnished by the Secretary of State to any person or organization. The Secretary of State *may* charge a person or organization the actual cost he incurs in providing bulk quantities of forms for application for voter registration to such person or organization.

(5) The originals of completed mail-in applications shall remain on file in the office of the county registrar in accordance with Section 23-15-113. Nothing in this section shall preclude having applications on microfilm or microfiche.

(6) If the *mail-in application indicates that the applicant lives within the corporate limits of a municipality within the registrar's county,* the county registrar shall forward notice of registration, a duplicate copy of the application for registration, and any changes to such registration when they occur, either by certified mail to the clerk of the municipality indicated in the *application* or by personal delivery to such clerk, provided that a numbered receipt is signed by such clerk in return for the described documents. Upon receipt of the copy of the application for registration or changes to such registration, the clerk of *the* municipality shall register the applicant as a municipal elector and make a determination of the municipal voting precinct in which the person making the application shall be required to vote if a review of same indicates that the applicant meets all the criteria necessary to qualify as a municipal elector. The clerk shall send this municipal voting precinct information by United States first class mail, postage prepaid, to *the applicant* at the address provided on the application. Any and all mailing costs

incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of such municipality. If a review of the copy of the application for registration or changes to such registration indicates that the applicant is not qualified to vote in *the* municipality, the clerk of *the* municipality shall deny such application and notify applicant.

(7) If the *application indicates that the applicant has registered to vote in another county or state,* the registrar or clerk shall send written notice of this new registration by regular United States mail to the registrar or clerk of the county stated *by the voter* as the voter's previous place of registration. The information shall include the complete name, address and age of the voter and shall include the Social Security number of such voter if it has been previously supplied. The election commission of the voter's previous place of registration shall be responsible for having such voter's name erased from the appropriate registration book and pollbook.

* * *

SECTION 21. Section 23-15-159, Mississippi Code of 1972, which requires that the names of persons who have not voted in at least one (1) election in the last four (4) successive years be erased from the registration books and pollbooks, is hereby repealed.

SECTION 22. The Attorney General of the State of Mississippi is hereby directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States District Court for the District

of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 23. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

[SEAL]

U.S. Department of Justice
Civil Rights Division

DLP:SBD:VNN:emr
DJ 166-012-3
94-4505

Voting Section
P.O. Box 66128
Washington D.C. 20035-6128

December 5, 1994

The Honorable Dick Molpus
Secretary of State
P. O. Box 136
Jackson, Mississippi 39205

Dear Secretary Molpus:

We understand that the State of Mississippi has begun implementing the National Voter Registration Act of 1993 (NVRA).

Our records fail to show that this change affecting voting has been submitted to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. If our information is correct, it is necessary that this change either be brought before the District Court for the District of Columbia or submitted to the Attorney General for a determination that it does not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.2, 51.12, and 51.13) (copy enclosed).

Should you elect to submit the specified change to the Attorney General for administrative review rather than seek a declaratory judgment from the District Court for the District of Columbia, please follow the procedures set forth in Subparts B and C of the procedural guidelines.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the State of Mississippi plans to take concerning this matter. If you have any questions, you should call SaraBeth Donovan (202-514-1409) of our staff. Refer to File No. 94-4505 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By: /s/ John K Tanner

John K. Tanner
Acting Chief, Voting Section

(Civil Rights Division
Voting Section
94 Dec 19 AM 11:19)

STATE OF MISSISSIPPI
SECRETARY OF STATE

[SEAL]

POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136
TELEPHONE (601) 359-1350
FAX (601) 354-6243

DICK MOLPUS
SECRETARY OF STATE

CONSTANCE SLAUGHTER-HARVEY
ASSISTANT SECRETARY OF STATE
ELECTIONS AND GENERAL COUNSEL

December 14, 1994

Honorable Deval L. Patrick
Assistant Attorney General
Civil Rights Division
U. S. Department of Justice
Post Office Box 66128
Washington DC 20035-6128
Re: File No. 94-4505

Dear Mr. Patrick:

Thank you for your concern about implementation of the National Voter Registration Act (NVRA) in Mississippi. My staff and I have been working with Ms Sara-Beth Donovan of your office regarding our plans for NVRA implementation. Our initial plans were to send the "pre-clearance" submission to you after passage of our proposed legislation. This was shared with Ms Donovan in late October.

Since that time, however, Ms Donovan contacted me to request materials which would explain the specifics of Mississippi's implementation plans prior to passage of the state legislation. This package was sent by Federal Express on Monday, December 5 to Ms Donovan's attention.

I trust the informational package will shed light on our implementation efforts. If additional information is needed, please let me know.

Sincerely,

/s/ C S Harvey
Constance Slaughter-Harvey

CSH:chj

(Civil Rights Division
Voting Section
94 Dec 29 AM 8:50)

STATE OF MISSISSIPPI
SECRETARY OF STATE

[SEAL]

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DICK MOLPUS
SECRETARY OF STATE

CONSTANCE SLAUGHTER-HARVEY
ASSISTANT SECRETARY OF STATE
ELECTIONS AND GENERAL COUNSEL

December 20, 1994

Honorable Dave Hunter
Voting Section
Civil Rights Division
U.S. Department of Justice
Post Office Box 66128
Washington, D.C. 20035-6128

Dear Mr. Hunter:

This letter is in reference to your phone conversation today with Reese Partridge of my staff regarding Mississippi's implementation of the National Voter Registration Act (NVRA).

In accordance with your conversation with Mr. Partridge, please consider this letter as a request for preclearance under Section 5 of the Voting Rights Act of Mississippi's plan to administratively implement the provisions of NVRA, in accordance with the package of

materials which were submitted to your office on December 5 and December 14, 1994.

In particular, please regard the publication dated November 1994 and entitled "The National Voter Registration Act" as Mississippi's plan to administratively implement NVRA on January 1, 1995.

Please contact me if you have any questions.

Sincerely yours,

/s/ C S Harvey
Constance Slaughter-Harvey

STATE OF MISSISSIPPI
SECRETARY OF STATE

[SEAL]

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DICK MOLPUS
SECRETARY OF STATE

CONSTANCE SLAUGHTER-HARVEY
ASSISTANT SECRETARY OF STATE
ELECTIONS AND GENERAL COUNSEL

January 30, 1995

Honorable Dave Hunter
Civil Rights Division
U.S. Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128

Dear Mr. Hunter:

Per your request, I am sending this letter to provide written clarification of the components of Mississippi's NVRA administrative program that we discussed during our telephone conversation today.

As your [sic] requested, the statement that "If the person is applying only on behalf of others, the opportunity to register need not be offered," *on page 1 of the NVRA Agency Manual,* will be struck from future copies of the manual. Agency personnel have been advised that their primary obligation regarding NVRA is to applicants for agency service. During ongoing training, agency personnel will be advised that this obligation would include persons applying on behalf of others. In any case, agency

personnel have been advised that a registration form should be given to non-applicants who ask for one.

You asked for clarification of the statement that "If the confirmation postcard is not returned AND the registrant fails to vote within two subsequent federal general elections, the registrant's name is purged," *on page 5 of the November 1994 NVRA Manual.* As you requested, this will be qualified in future copies of the manual. During training, it was made clear to election officials that current practice should be followed regarding registrants on the inactive list. That is, the registrant will be redesignated as active if he or she contacts the election official, properly requests an absentee ballot for an election that is conducted in the registrar's county, changes his or her voter registration to another location in the registrar's county, votes or appears to vote.

As you requested, *Page 6 of the November 1994 NVRA Manual,* regarding federally registered voters, will be modified. Election officials will be advised that the NVRA procedures should be followed with federally registered voters, but that the names must be sent to the Office of Personnel Management for final approval to purge.

You also asked for clarification of *requests for race information* on voter registration forms. Race is marked "optional" on the mail-in and agency registration forms to make it clear to applicants that failure to include race information will not disqualify their application. Race is not marked optional on the motor-voter because race information is required for a driver's license application.

I hope this information properly addresses your concerns. If additional information is needed, please let me know.

Sincerely,

/s/ Kate Margolis
Kate Margolis
NVRA Coordinator

STATE OF MISSISSIPPI
SECRETARY OF STATE

[SEAL]

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DICK MOLPUS
SECRETARY OF STATE

CONSTANCE SLAUGHTER-HARVEY
ASSISTANT SECRETARY OF STATE
ELECTIONS
AND GENERAL COUNSEL

MEMORANDUM

TO: Agency Representatives, National Voter Registration Act (NVRA)

FROM: Constance Slaughter-Harvey

DATE: February 24, 1995

RE: Status Report on NVRA

As all of you are aware, the National Voter Registration Act took effect January 1, 1995. Through your outstanding efforts on the NVRA Implementation Committee, Mississippi has implemented NVRA statewide, resulting in a significant number of newly registered voters. We estimate that approximately 4000 Mississippi citizens have registered to vote under NVRA during the first two months of 1995.

As many of you have heard, a problem has developed regarding NVRA voters being eligible to vote in state elections. NVRA is a federal law which specifically applies to the manner in which citizens register to vote in

federal elections. NVRA by itself cannot require that voters registered under NVRA also be eligible to vote in both state and federal elections.

Mississippi *state* law contains the procedures by which citizens register for state elections, such as the elections this year for state and county offices.

State legislation which would provide for a common voter registration system for both state and federal elections has apparently died in the Mississippi Legislature. The Legislature is still in session and will remain so through the end of March, therefore it is possible that the Legislature will still act on the NVRA legislation.

The current status of the law in Mississippi, however, is that voters who register under NVRA will be eligible to vote in federal elections only. This position has been enunciated by the Mississippi Attorney General's Office. We are confident, however, that this problem will eventually be corrected so that voters who register under NVRA and who have already registered under NVRA will be entitled to vote in both state and federal elections.

In the meantime, however, the Secretary of State's Office has several recommendations on how to deal with NVRA in your agency:

> First of all, it is imperative that your agencies continue to provide voter registration forms and process them just as they have since January 1, 1995. That is the single most important thing that your employees need to do.
>
> Your employees should be honest with clients about the current status of NVRA and may tell them that until the matter is resolved, the NVRA

forms only entitle them to register to vote in federal elections, but they *should not discourage potential voters from registering*. Any client with a question about voter registration should be provided the Secretary of State's Hotline number: 1-800-829-6786.

At your discretion, you may also consider having employees do one of the following:

Advise clients who wish to vote in both state and federal elections they will need to complete the state "long" mail-in voter registration form, which are available from their circuit clerk or from the Secretary of State's Office; or,

Provide clients the state "long" mail-in voter registration form along with the "short" NVRA form you are already providing. Bulk quantities of the "long" form are available from the Secretary of State's Office. You may forward the completed "long" forms to the local circuit clerk along with the NVRA forms.

Circuit clerks have already been advised to contact all voters registered under NVRA and provide them with the state "long" mail-in voter registration forms. In addition, Circuit Clerks have been advised that if they do not wish to contact those NVRA voters, the Secretary of State will do so for them.

As this matter evolves, we will keep you informed. If you have any questions, you may contact Kate Margolis, our NVRA Coordinator.

STATE OF MISSISSIPPI

(Seal)

OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

OPINION
DIVISION

March 9, 1995

The Honorable Elizabeth Johnson
Acting Chief, Voting Section
Post Office Box 66128
Washington, D.C. 20035-6128

Re: File No. 95-0418

Dear Ms. Johnson:

We are in receipt of your letter dated February 16, 1995, in which you state that you were advised by the Mississippi Secretary of State's Office that the State of Mississippi was instituting a dual registration and voter purge system within the State of Mississippi.

We conferred with the members of the Secretary of State's office and they told us that they did not advise the Department of Justice that the state had instituted a dual registration system. We are aware that the Mississippi Secretary of State's Office submitted for preclearance pursuant to Section 5 of the Voting Rights Act an administrative packet on voting procedures that would be implemented within the state pending the passage of state legislation mirroring the NVRA. The Secretary of State's Office advised us that this was done at the request of your office. This is a bit surprising as C.F.R. §51.22 states that the Attorney General will not consider on the

merits a proposal for change affecting voting that is submitted prior to the final enactment or administrative decision, or a proposed change which has a direct bearing on another change affecting voting that has not received section 5 preclearance. Any submission of changes to the voting registration or purging procedures would be premature unless the requisite state legislation had been passed.

Moreover, we are also confused as to what the Attorney General is seeking from the State and this office. The State of Mississippi has not initiated, nor implemented any change affecting voting within the State, other than our implementation of NVRA. All voter registration and purging procedures and laws being utilized within the State have been submitted and precleared by the Department of Justice. The changes affecting voter registration most recently implemented by the State are those mandated by NVRA, not any change initiated or instituted by the State itself. Therefore, we remain at a loss for what the Department of Justice would have this office submit under section 5 for preclearance.

If this office can be of any further assistance to you, please let us know.

Very truly yours,

/s/ S M Shelson
Sandra Murphy Shelson
Special Assistant Attorney General

cc: The Honorable Constance Slaughter-Harvey
Assistant Secretary of State

STATE OF MISSISSIPPI

(Seal)

OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

FAX TRANSMITTAL
Mississippi Attorney General's Office
EXECUTIVE OFFICE FAX: (601) 359-3441
ALL OTHER FAXING: (601) 359-3796

TOTAL NUMBER OF PAGES
(INCLUDING THIS COVER PAGE) 5

DATE 5-25 TIME 11:20

Please deliver to:

NAME: Chris Herren
FAX NUMBER: 202-307-3961
FROM: Sandra Shelson

For problems receiving documents, contact
Debbie Morgan at (601) 359-3688

Message from Attorney General, Mike Moore and your Circuit Clerk, _____.

_____ County

ATTENTION REGISTERED VOTERS

Did you register to vote at your local Department of Health, Welfare Office, Rehabilitation Services Office, Medicaid Office or when you applied for or renewed your drivers' license? If you did, you *only* registered to vote in federal elections. We want you to be able to vote

in state and local elections, such as those for Governor, Supervisor, Sheriff, or Mayor. Please either go by the Circuit Clerk's Office in your County or to your City Hall to receive help in registering. In order to vote in the August Primaries, you must register by July 8, 1995.

EXERCISE YOUR RIGHT TO VOTE!

Please adapt this Public Service Announcement for your own use.

Suggested form letter to be sent to those registered to vote under NVRA. Please adapt this letter for your own use.

Dear Mr./Ms. _____:

This is to notify you that you have registered to vote under the National Voter Registration Act. You are registered to vote in federal elections ONLY. We would like for you to be eligible to vote in ***ALL*** elections; for example, for mayor, sheriff, or governor, you will need to complete the enclosed state mail-in voter registration form and return to this office. Remember, you will only be able to vote in federal elections unless you complete this additional form. Be sure to have your form witnessed by a registered voter in your county. If you want to vote in the local and state-wide elections this year, please complete this form right away and mail it in. **The registration deadline to be eligible to vote in the August Primaries is July 8, 1995.** Please return this form immediately. Upon receipt of your completed form, we will send you an additional notice.

Your precinct for voting in federal elections is _____.

Sincerely,

_____

Circuit Clerk

Suggested Procedures for Contacting Persons Registered Under NVRA Only

1. Fill out a state mail-in registration form for each NVRA registrant.
2. Send the filled out form to every registrant when you send notice of NVRA registration.
3. Follow up with a telephone call to each registrant.
4. When notice is sent of registration pursuant to NVRA, stamp registration card in red ink "FEDERAL ELECTIONS ONLY."
5. When possible, pay registrant personal visit with state mail-in form in hand. Remember that the state form must be witnessed. The witness must be registered to vote in the county of the applicant. (Be sure to have someone with you to witness the form if you are a candidate for re-election).

_____

[p. 10] Ms. Simmons, can you tell us, as of today or as of some day recently, how many persons have registered in Bolivar County through NVRA procedures?

A The last count I had which was sometime last – I think sometime last – we had 177. Maybe I had a few others in the office but those were the ones that I was working on and trying to get into the computer and the notices on.

Q Okay. And as of today, how many of those 177 people will be able to vote in the election coming up in August?

A None.

[p. 11] Q Did you say none?

A Right.

Q Okay.

MS. WILLIAMS: Chris?

BY MR. HERREN:

Q And why is that there are – that none of those people will be able to vote in the August election?

A My understanding is they are not able to vote because the NVRA form only permits persons to vote in a federal election.

Q And how did you come by that understanding?

A I suppose it was at a circuit clerk seminar.

Q And when would this seminar have been?

A It was in February, I don't remember the date.

Q And where was this seminar?

A It was in Jackson, Mississippi.

Q And was this conducted by the Secretary of State?

A No, it's our annual seminar and we have [p. 12] various – we have people there from various agencies.

Q And at that seminar do you remember who told you –

A I don't remember specifically who was there on the podium at the time this was discussed. I don't remember that.

Q Okay. Just to be clear, this would be in February of this year?

A February 1995.

Q Thank you. For these persons who have registered, these 177 persons, what sort of steps are you taking, if any, to notify them that they can't vote in state elections and they need to register again?

A They were sent a letter – I think I'm going to strike that and start over.

There is a letter informing them that they are only eligible to vote in the federal elections. Attached to that letter is a state mail-in registration form and a voter registration card that has, written in red, "federal elections only."

[p. 13] Q And when did you send those letters out?

A We finished that batch yesterday and they were mailed this morning.

Q So this was the first batch?

A Yes.

Q And did it go to all 177 people? I'm sorry. Ms. Simmons, did you hear my question? Did that –

A Did the letter go to all 177? I understand it, his question is did the letter go to all 177, and my answer is –

Q I'm sorry. We couldn't hear your answer, Ms. Simmons.

A My answer to the question is yes.

Q Thank you. I am sorry about the connection.

Now, this letter that you sent out, was this something that you drafted or was it something that was drafted by a state official?

A It was drafted by a state official.

Q And do you know – where did you get this letter from?

[p. 14] A I believe it came from the Attorney General's office. I'm not sure.

Q Okay. And was the Attorney General the one who suggested that you send out this letter and the state form and the voter registration card marked federal elections only?

A I don't – I don't remember that the letter said that specifically. I read the sense of the letter and I thought it was satisfactory to do that as we had in February, and the way that we do that is to send out the state mail-in forms. So I did that and I sent it out. But I didn't –

Q We lost the last sentence. We couldn't hear the last sentence.

A What does she have? I said that I sent a voter registration card but I do not remember if there were instructions attached.

* * *

[p. 16] Q I wanted to talk just for a second about some of the other things that you might be doing to get these 177 people registered for the state elections. When you sent out the state mail-in form in this mailing, did you have time to actually fill out the form?

A No, I did not. I don't have the staff for that.

Q I believe you said you don't have the staff for that?

A Right.

Q Now, this mailing that you sent out, did your office pay for that or did the state pay for it?

A My office paid for it.

Q Have you done any advertising in the [p. 17] newspaper or on radio or TV about the situation of these NVRA registrants not being able to vote in the August election?

A I have gone to our local newspaper.

Q Yes, ma'am?

A There was a sample public notice that came with the sample letter and I took the sample notice to the paper and that notice is going to run two days per week for four weeks.

Q Have you had the opportunity to call any of these 177 people to try to get them to send the state mail-in form in or tell them that they need to register using a state form?

A No.

* * *

[p. 18] Q Prior to this seminar in Jackson back in February that you discussed, do you have any idea how many people had registered in Bolivar County under the NVRA procedures at that time?

A I don't know, I think before I went I got in a few pieces from – I don't even know where they came from but at that particular time, I was not aware that all this –

Q I'm sorry. You were not aware of what?

A I was not aware that these –

Q I'm sorry. You were not aware?

A I was not aware that those people registered on the NVRA form would not be eligible to vote in all elections.

Q Okay. Just because it broke up a little bit up here, I believe you said that you were not aware at that time that the persons who registered using the NVRA forms would not be eligible to vote in all elections; is that correct?

A Right.

[p. 19] Q Now, as far as these things that you are doing to go out and catch up with these people who've

registered under the NVRA, are these things you've ever had to do before, or is this something new?

A This is something new.

Q Okay. Now, early in the year, back in January perhaps, did you get some of the new NVRA mail-in forms from the Secretary of State's office?

A Yes.

Q And did you use those at all in registering people?

A I gave forms to a person but I did not use it.

Q And why was it that you didn't use them?

A It could have been because nobody was registering. If they were, I used my regular forms. I mean, register for the fall election.

Q Now, you said you gave out some of these NVRA mail-in forms to one person?

A Yes.

Q Was that somebody who was doing a voter registration drive or something?

[p. 20] A Right. They had read something in the paper about the mail-in registration and they called me about the forms.

Q And then they came by and got some?

A Yes.

Q Do you have any idea how many?

A Probably about 15 or something like that.

Q Now, right now, if somebody comes in your office and they want a mail-in registration form, which form do you give them, the state form or the NVRA form?

A The state form.

Q And why do you give them the state form?

A I give them the state form so they can vote in all the elections.

Q So you've stopped giving out the NVRA mail-in forms?

I'm sorry, we couldn't hear you.

A I was asking did I do what?

Q Did you – have you pretty much stopped now giving out the NVRA mail-in registration forms?

A I only gave the form out that one time.

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[p. 8] Q Okay. I wanted to ask you at the outset if you have a figure, a recent figure for the total number of people that have registered in the – in your county through NVRA procedures, either through the mail-in or the agencies, the driver's license, that sort of thing. Do you have a current figure for that?

A I do. It's on my desk. Can you hold just a minute?

Q Yes, ma'am.

A At this point we have received approximately 634 applications on the National Voter Registration Act.

* * *

[p. 9] Q Okay. So as of today, for those 634 NVRA registrants in your county, do you know how many of [p. 10] those people will be able to vote come August?

A Approximately 40.

Q Now, those people, those 40 people have also registered separately for state elections; is that correct?

A That's correct.

Q Okay.

A That is why they are going to be able to vote.

Q One of the things that I wanted to ask you a little about was the sort of things that you are doing there in Lee County – and by "you," – I mean the circuit clerk's office – to get these 634 NVRA registrants registered for state elections. Have you been mailing out state mail-in forms to these people?

A We have.

Q And when did you-all start doing that?

A When did we start sending mail-ins to them?

Q Yes, ma'am.

A I believe it was – I'm not real sure about the date but the first state mail-in forms were sent [p. 11] approximately around the middle of February, I believe.

Q Okay. Now, do you-all have the opportunity to fill out those forms in advance when you send them to people or are you just sending them blank forms?

A We are sending them blank forms.

Q Do you send any kind of explanatory letter with that?

A We do.

Q And what does that letter basically say?

A It basically says at this point that they are registered for federal elections only. If they would please fill out the enclosed state form – I don't think it says state. It says mail-in voter registration application and send it back to us, you will be registered for state and local elections as well, and we will send you a voter registration card.

Q Now, those 40 people who will be able to vote, the 40 of those 634 who will be able to vote in the state elections this year, have those been people who sent back those state forms?

A Yes.

[p. 12] Q Okay. Have you sent these forms out and these letters out in batches or did you send them out all at once?

A Well, you know, as we had time, I sent them out. It might have been a few together and then I may have gotten one through the mail and I may have sent out one at a time. You know, they were sent out as they came in.

Q And are these – when you are doing these mailings, do you include a postage prepaid return envelope or something?

A No.

Q Now, these mailings that you are doing, are those expenses being absorbed by Ms. Gwin's office?

A Yes.

Q So the state is not reimbursing you for those mailings?

A Not that I know of.

Q Okay. Now, you mentioned the voter registration card. Have any of these people who have registered under the NVRA been sent a voter registration card thus far?

[p. 13] A Thus far? Well, I will just have to back up just a little bit –

Q Okay.

A – and tell you what happened at the beginning.

Q Okay.

A When we first received our first – what do you call those things – National Voter Registration Act forms, from the driver's license bureau –

Q Yes, ma'am.

A – we had never gotten any before. Well, of course they were different, and we didn't know – we did not know what to do with them. So we did call the Secretary of State's office and ask what we were supposed to do with these forms. And we were told that we were supposed to register the people to vote just like a normal application.

So we did this. I think it was the first 275 we did that way, and they were sent a voter registration card. Then Mrs. Gwin attended a seminar in the middle of February in Jackson, and we were informed that these people were in fact only [p. 14] registered for federal elections. But at that point, these 275 people had to be notified that they were registered for federal elections only. And the Secretary of State's office did do this for us. I sent them a list of the people's names and addresses and they did notify the people that they were registered for federal elections only.

Since that time, no other people have been sent voter registration cards, they have only been sent the letter and the state mail-in form.

Q Okay. Ms. Horton, were you finished?

A I'm finished.

Q I wanted to ask you just a bit about other things that you might be doing to catch up with these 634 folks and get them registered for state elections. Have you

done any kind of advertising about the fact that these folks will have to register separately for state elections?

A We have not done any advertising ourselves but, of course, our papers have been full of what they call the, quote, "motor voter deal" and people in this area are very, you know, are very familiar [p. 15] with this and so forth because it has been in all the papers but our office has not advertised.

* * *

[p. 17] Q Have you in the past in your time in the circuit clerk's office had to send out letters with state mail-in forms, for example, telling people they were only registered for certain elections?

A No.

Q Okay. So this is something new that you are doing?

A Yes.

* * *

[p. 20] Q And in terms of the federal forms, the NVRA forms that you are getting in now, are you keeping those folks on a separate list or how are you handling those registrations?

A I'm keeping them on a separate list. We have a – just, you know, just a completely separate list. The people are placed in precincts and the names are put under which precincts that they are in, and just keeping a complete separate list of the ones that's registered for federal elections only.

* * *

[p. 28] BY MR. MANUAL:

Q Of those – you'd mentioned that you had registered 275 voters from January to February, I mean January until you were notified that they were – the forms you were using didn't register for both state and federal elections?

A Uh-huh.

Q Did you place those voters on a single roll, on whatever the voter registration roll you-all had at the time?

[p. 29] A Did I put them on our regular voter registrations?

Q Yes, ma'am.

A We did.

Q So when you found out that they were not registered for both elections, what did you do? Did you take those names off of the roll?

A We deleted them.

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CAROL HORTON

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[p. 8] Q Okay. The first question I had for you was do you have a figure, a relatively current figure for the number of people that have registered in Hinds County through the NVRA procedures?

A About 2086.

Q Okay. And is it your understanding that unless those people registered separately for state elections, they won't be able to vote in the state elections this year?

A Yes.

Q Do you have any idea about how many of those 2086 NVRA registrants have separately registered for state elections?

A 300, more or less.

* * *

[p. 9] Q Okay. And when is the registration cut off?

A July the 8th.

Q Okay. I wanted to talk to you a little bit about what sort of things that you are doing to get these 2086 people registered for state elections.

Are you sending out state mail-in forms to these folks?

A Yes, we are.

Q And when did you start doing that, approximately?

A Oh, sometime in February, if I'm not mistaken.

Q Okay. Now, are you – are you just sending out blank forms or do you have time to fill those out?

A No, we are sending blank forms only.

[p. 10] Q Okay. And are you sending a letter along with that?

A Yes, I am.

Q And what does that letter basically say?

A That we have received their NVRA form and that we are enclosing a Mississippi mail-in voter application so that they will be able to vote in state, county and city elections if they fill it out and get it back to us in time.

Q Now, those 300 or so people who have separately registered of those 2086, are those folks who sent that state mail form back?

A Yes.

Q Okay. What other sorts of things are you doing to try to get those 2086 NVRA registrants registered for state elections this year?

A Oh, basically that's all, except sending some of the forms to the agencies.

Q Now, when you say send forms to the agencies, you mean the state mail-in forms?

A Yes.

* * *

[p. 12] Q Okay. Now, the things that you were talking about, sending out these state mail forms with the

cover letter, trying to get these state [p. 13] agencies in your county to have the state mail forms available, are these new things that you've – you're doing this year that you haven't done before?

A Yes.

Q Okay. And are these things that the state Secretary of State or Attorney General has suggested to you would be good things to do?

A Yes.

* * *

[p. 14] Q Okay. What about voter registration cards for these folks, are you sending out a voter registration card to these NVRA registrants?

A Yes, we are, with "federal voter only" stamped right above it.

Q Okay. So you are sending them out as soon as you get the NVRA registrations in?

A As soon as we put them into the computer, yes.

Q Okay. Now, your NVRA – now, for these NVRA registrants, right now are they being kept on a separate list?

A No, they are put in my computer, but we've coded these different agencies –

Q Uh-huh.

A – with a numerical code so that we can tell you, you know, what – code 1, 2, 3, 4, 5, 6 I believe is what we've got into the computer and anything else is either regular or mail in.

Q Okay. So you know, though, that those persons are registered only for federal elections?

A Yes.

* * *

[p. 15] Q Right now – right now in your office, if somebody walks in and they want to register to vote in your office, what form do you use to register them?

A A regular Mississippi form.

Q Is that the three-part form?

A It is.

Q Okay. And does that form have any requirement that it be witnessed by somebody in your office?

A Yes. We sign it.

Q Okay. What about today, if somebody walks into your office and they want to get a mail-in form, do you give them the state form or the federal NVRA form?

A Give them the state form.

Q And why is that?

A I just do.

* * *

[p. 17] Q Okay. But as far as you know now, you-all aren't giving out any of the NVRA mail-in forms?

A No, we are not.

* * *

[p. 19] Q Okay. And have you – have you gotten any memos or anything from the Secretary of State's office with ideas about things to do in this situation?

A I think so. It basically is – yes, I have gotten a letter from the Secretary of State.

Q And do you know when that was sent?

A No, there is not a date on this letter, no.

[p. 20] Q Okay. And what does the letter basically say?

A It just tells us to make sure that, you know, to tell people to make sure that they are registered in this year's state and local elections, you know, to send them the form and ask them to fill it out, to have it witnessed by a registered voter in the county in which they are trying to register to vote in and mail the form back to the circuit clerk in a pre-addressed – and they have postage-paid envelopes. Of course, we in Hinds County have not put postage on the envelope – or, you know, tell them that if they wish they can come to the circuit clerk's office and register in the person.

* * *

[p. 26] Q But in terms of that, sometime around, then, after you found out that the NVRA forms were just going to register people for federal elections, is that when you started out sending out these letters –

A Yes.

Q – in the state mail forms –

A Yes.

Q – and trying to get the agencies to have state forms in them?

A Yes.

Q Is that when you started sending out the voter registration cards that were stamped "federal voter only"?

A I had to order a stamp for that.

* * *

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[p. 9] Q Okay. As of now, as of today, is it your understanding that the people who have registered through these NVRA procedures in your county will not be eligible to vote in the state elections this year unless they separately registered for those state elections?

A That's my understanding.

Q And how did you come by that understanding? Where did you find that out?

A In February we were at a circuit clerks seminar and we found out that the proposed state legislation did not pass, and we were advised at that time that the people that registered under NVRA would only be eligible to vote in federal elections. I don't know the exact date. It was the latter part of February.

Q Okay. Have you been sending out any state mail-in registration forms to these people who have [p. 10] registered under the NVRA in your county?

A Oh, yes, sir.

Q Do you have any sense of how many of those forms you've gotten back from people?

A No, I don't. I know that when we ran the statistics a couple of weeks ago there was still a good number, but I just don't remember what the number was and I would not want to take a stab at it without having accurate information in front of me. Since then we have had four people on the telephone following up, telephoning these people and they are starting to come back in, so we are getting a good response at this time.

Q Do you remember approximately when you started sending out these state mail-in forms?

A Yes, sir. As soon as I came home from that meeting – we were in a term of court. I left to go to Jackson during a court term and as soon as we got out of that term of court, which would have been – I think it ran through the first week in March. Right after that term, it would have been around the second week in March, I wrote a letter and started sending [p. 11] the mail-in forms out to everyone that I had received an NVRA form from.

Q Now, sending the state forms out to these NVRA registrants, was that something that was discussed at that meeting? What that something that was suggested as being a good idea to do at that meeting?

A I really don't recall. I honestly don't recall. It has been so many things that have happened and so much time that has passed, I really – I really do not honestly remember if that's a call that I made myself or whether it was suggested.

Q When you send these forms out to people in your county, are you – do you have the chance to fill those out beforehand or are you just sending out blank forms?

A We fill out as much information as we can. The state form, I believe, asks a few questions that the federal form does not, or in a different manner perhaps, and we fill out as much of the information as we have on the form and we send them a [p. 12] self-addressed, stamped envelope for them to return it in, and, you know, we advise them in a letter to please complete it and sign it

and have the signature witnessed and return it so that they will be able to vote in all elections.

Q And is your office bearing the cost of sending out these forms to people?

A The county is. It is coming out of the election budget.

Q Now, do you sort of get a group of these NVRA registrants together as they come in and send them out as a group or do you just send them out as they come in day by day?

A Daily.

Q Daily?

A Daily. We are staying up with them.

Q And you mentioned that the people in your office were following up with phone calls; is that right?

A Yes, sir.

Q And when did you start doing that?

A Within the last week.

[p. 13] Q Okay. And what prompted you to do that? Was that something the state suggested or what prompted that?

A No, I just wanted to do it because I felt like there were a good number of them out there that had not come back and I just wanted to get as many of them in as I could. The response that we're getting from most people when we call them is oh, yes, I know I got that. I've got to do that. Thank you for reminding me. I'll get it back in

the mail to you. So I think that we are going to get a good response from the effort.

Q So you think making the calls has helped?

A I do.

Q Have you had a chance to take out any public service announcements or put anything in the newspaper about it?

A Yes, I released a statement to the media about a week ago – I don't know that it's run yet. I sent it to all of the radio stations. I don't have that in front of me. I moved my election folder to the other office where I was working on ballot [p. 14] types – giving them the general information about the deadline to register to vote and the extended hours that we will be open the week of July the 4th and Saturday, July the 8th. I also said in that – I addressed the issue that if they had received a state mail-in form and had not completed it and returned to this office, they needed to do that also by July the 8th. They need to be postmarked by then. It went out to all of the local media and radio stations.

Q Okay. Now, the July 8th, that's the deadline for registering for the August primary; is that right?

A That's correct.

Q And so any of these folks that don't get the state mail forms back to you by that time won't be able to vote in the August primary?

A That's correct.

Q Okay. What have you done about sending a voter registration card to these NVRA registrants? Have you sent one at all or what have you done?

A I'm thinking. At this time when I receive a federal NVRA form we are sending them a letter. [p. 15] I'm not sending them a registration card. I'm sending them a letter notifying them that they are registered to vote in federal elections, and naming their precinct letter. And in that letter I also tell them that I would like for them to be eligible to vote in all elections, for example, for mayor, supervisor, sheriff, et cetera, and it will be necessary for you to fill out a mail-in form and return it, and I give them all the deadline dates and so forth and so on, enclose the form and a self-addressed envelope with it. So they are not getting a card right now. It's all in that note, the notification letter.

Q When you say that the NVRA registrants aren't getting a card right now, had you done so at some time in the past?

A Between January the 1st and when I was made aware that the legislation didn't pass in February, they received a card.

Q And would that have been the normal card that you sent in the past?

A Yes.

* * *

[p. 21] Q Okay. If somebody comes in and wants a mail-in form today do you give them the state form, the state mail-in form or the NVRA mail-in form?

A I first ask them would they like to be eligible to vote in federal elections only or all elections. If they tell me federal only, I have them the federal mail-in form. If they tell me they'd like to be eligible to vote in all elections, I give them the state mail-in forms.

Q And has anybody said that they wanted to be registered for federal only?

A No sir.

Q And when did you start asking that question that you recall?

A After I was made aware in February at that meeting that the state legislation had not passed.

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[p. 25] BY MR. HERREN:

Q Ms. Salazar, when you talked to someone from our office earlier, a week or so ago, I believe you'd indicated that there were 451 people registered under the NVRA as of May 30th. Does that sound about right?

A It does, Uh-huh. Now, you say it was just a week ago? I was thinking it was more like two [p. 26] weeks ago. I don't remember the date. I talked to your office twice recently –

Q Okay.

A – and I don't remember the date that that conversation took place.

Q I don't have it in front of me either.

A That sounds pretty close.

Q And of those 551 people –

A No, you said 451.

Q I'm sorry. I apologize. Of those 451 people, I think you told us before that 148 of them had returned the state mail-in forms, does that sound about right, before you started making the calls?

A A hundred and what?

Q 148.

A That does sound – that sounds about – I recall close to that. I don't know if that is the exact number but yes, that sounds about like what we said that day.

* * *

[p. 8] Q Okay. The first question I have for you is, basically, do you know as of today, or as of some recent date, how many people have registered through NVRA procedures in the state of Mississippi?

A We have received approximately 600 forms.

MR. SANDERS: I think you said in the state of Mississippi.

THE WITNESS: I'm speaking strictly Forrest County.

BY MR. HERREN:

Q I apologize. About 600 forms in Forrest County?

A That's right.

Q Do you know about how many of those persons have also registered for state election separately?

A We have had approximately 125 to 150 that [p. 9] have responded and have registered on the Mississippi forms.

Q Now, for the remaining 400-something folks who have registered through the NVRA procedures, is it your understanding that they will not be eligible to vote in the elections coming up in Mississippi this year unless they separately register through the Mississippi forms?

A Yes.

Q So what sort of things are you doing these days to try to track down these 600 or so people and get them registered for state elections?

A Immediately upon receiving these from the various state departments, we are mailing out a Mississippi

registration mail-in form, a letter from me bearing my name with an explanation of what the situation is, telling them they only registered for federal elections, and a self-addressed stamped envelope is placed within an envelope and mailed to each one of them, to the address that is on the form from the state agency.

Q Have you-all had the opportunity to fill [p. 10] out the forms at all before you send them out, or are they just blank when they go out?

A They are blank.

Q And the forms that you are sending out to them, those are the state mail-in forms that you-all started using back in 1992?

A I believe so, yes.

Q Those are the one with the witness requirement?

A Right.

Q And when did you-all start mailing out those forms to people, those state forms to these NVRA registrants?

A Well, actually, to begin with, we were not really aware that they were a federal election – federal registered voters only. So we had to back up in mid-February and every one that we have received since January 1 of '95 has been mailed with the Mississippi form with the letter in the envelope.

Q So it was about mid-February when you started sending these letters out?

A We went back to all those that we received [p. 11] during January and mailed it to them, too.

Q So about how many people had registered before that, before mid-February?

A Oh, I don't have that figure. Probably in the neighborhood of 100, 125. That's a guesstimate.

Q Now, are you mailing out voter registration cards to the people who registered under the NVRA?

A No, we are not. We will mail them federal registration cards only. At this point, I don't think we have mailed any of those out. Since we have no federal election this year, we have not done that so far.

Q Have you had the opportunity to do any advertising about this situation that these NVRA registrants will have to register again for state elections?

A Yes. It has been provided to all the news media here in Forrest County and we have had some coverage on it, on some of them.

Q Did you give out a press release or anything?

A Yes, to newspapers, to TV stations and all [p. 12] the radio stations.

Q Was this a press release that you drafted?

A Well, it was one that was drafted jointly. It was between the Attorney General's office and ours.

Q Now, the letters that you are sending out to people with these forms, are these letters that you came up with? Or were they, again, jointly drafted?

A No. It was one that I had already drawn up.

Q What basically does the letter say?

A What does what? I'm sorry. What?

Q What basically does the letter say that you are sending out to these NVRA registrants?

A It is just calling attention to the motor voter registration and if you filled out a registration form at the following places, naming the state agencies, and advising them that they are only registered for federal elections. If they wish to vote in other general elections, we encourage them to fill out the Mississippi form and return it to us [p. 13] immediately.

Q And is it your understanding in order to be eligible to vote in the August primary, that folks would have to get those state forms back to you by July 8th?

A Yes.

Q Have you had the opportunity to do any kind of follow-up calls to these people that you have sent the letters to?

A We have begun to try that, and we can reach very few of them. Most of them don't have telephone numbers on them, and many of them do not have – we can't get any answer or response at those numbers. But we have had a few calls made. We have not had, to my knowledge, any response to the telephone calls.

Q Have you had the opportunity to talk to any of the state agencies there in your county about whether they should offer state mail-in forms in addition to the federal forms that are already offered?

A Yes. I don't know what offices have them.

* * *

[p. 15] Q Now, the things that we were talking about, such as your mailing out these forms, mailing out these letters telling people they needed to separately register for state elections, are these new things that you are having to do since February?

A Yes.

Q That was a yes?

A Yes.

Q Now, going back just a bit. You had said, I believe, that you found out about mid-February – I'm sorry. Strike that.

About mid-February you started mailing out the Letters; is that right?

A Yes, uh-huh, along with the Mississippi forms.

Q And I believe you said that you weren't [p. 16] aware prior to that time that people were being registered for federal elections only?

A That's right.

Q How did you find that out, that they were only going to be registered for federal elections only on the NVRA forms?

A Well, actually, we were at a seminar in Jackson around the 13th or 14th and the Attorney General's office, I think it was, advised us at that time that that covered only federal elections.

Q Do you remember who it was that advised you of that?

A No, I don't.

Q Did they give you anything in writing that indicated what the proper procedures would be for handling these forms?

A I don't recall at that time receiving anything. I think we have had correspondence since then from the Attorney General's office with suggested ways to handle it, which is what we were already doing.

Q I believe you indicated that prior to that [p. 17] meeting, you thought that there were somewhere in the neighborhood of 100 to 125 people?

A That may be an exaggerated number. I really don't – I should just clarify that by saying I really don't know how many we had received up to that point.

Q But you believe that there were at least some?

A Yes, uh-huh.

Q And prior to that time, had you put those people on the main registration list?

A Yes, we had.

Q And had you sent them the regular voter registration cards that you send to people who registered using the old state forms?

A Yes.

Q And after February, after you went to this meeting in Jackson, did you have to go back and take those people off?

A I believe they were all flagged in the computer as federal registered voters.

Q So you had to go back and flag them in the [p. 18] computer?

A Yes.

Q That meant they could only vote for federal elections?

A That's right.

Q So prior to February you had thought they were just like all the other registered voters that registered using the state forms?

A That's correct.

Q Now, today, if somebody comes into your office to register to vote, what form do you give them to register?

A We have a different form that we use in the office where they fill it out and I or a deputy clerk acknowledges – we determine their precinct and give them their registration card at that time.

Q Now, is that the triplicate form, the three-part state form?

A Yes.

Q And that registers people for all elections?

A All elections. A copy is sent to the two [p. 19] cities in Forrest County if they live in the city, and would go in the city book.

Q If somebody comes into your office today and wants a mail-in registration form, what form do you give them?

A Well, if it was one that they wanted to take to their wife – a lot of times a spouse will register and they will let them have that mail-in registration form to take back to their spouse to mail back to us.

Q Is that the long state form, the old form?

A Yes, it is.

Q Now, back in January had you gotten any of the short sort of NVRA mail-in registration forms from the Secretary of State's office?

A I believe we had received some with instructions to just do away with the previous form we had been using, and fortunately we did not, and then we were corrected and told that we would use the long form again and mail in, which required a 30-day cutoff period.

Q Had anybody registered using those NVRA [p. 20] mail-in forms back in January?

A They probably had. It would have been a bit of a disadvantage. My registration office is in another building, but yes, I'm sure we must have gotten some of them.

Q But after you found out that those NVRA forms just registered people for federal elections, did you pretty much stop using those forms?

A Yes, uh-huh. Yes, we did.

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[p. 7] Q The first question I had was as of now, do you know how many people have registered through the NVRA procedures in Warren County?

A Approximately 300, 2- to 300. No, I haven't got an exact figure.

Q Are you aware of what elections those persons are eligible to vote in?

A Just the federal election.

[p. 8] Q Do you know how many of those 300 or so people have separately registered to vote in state elections?

A About 25.

Q Is the office that you work in doing anything to try to catch up with those 300 or so NVRA registrants to try to get them registered for state elections?

A Yes. Yes, we have.

Q What sort of things are you doing?

A Well, first of all, the first group when we found out we had a problem with them not being able to vote in Warren, in the state election, we contacted the Attorney General's office – Secretary of State's office and they informed us to mail them all out applications that we have received, and we were notified then by mail.

Then we got another letter informing us that we could stop mailing them out, so we began to mail out applications, mail-in applications for them so they can

register here for the state election, county and state election.

[p. 9] Q Okay. Now, when you say you found out there was a problem, about when was that?

A Right after the first of the year, I think we read in the paper or got a notification from the state – I think I read in the paper – I can't remember how I knew about it first – that the ones we were receiving, those applications for federal forms, they would not be eligible to vote in the state election and county election.

Q Just so I make sure we understand, the first group of those folks, you say you sent off the list of those NVRA registrants to the Secretary of State's office?

A We sent them a copy of those applications.

Q And then it was your understanding that the Secretary of State's office would notify those folks?

A Right.

Q And then the Secretary of State's office would send them a state mail form; is that your understanding?

A That's the way I understood they did.

Q And when about would that have been?

[p. 10] A I think I talked in – about February, I believe, because we were trying to see what we could set up on the computer, how we can, you know, be able to put them on our computer so they can be, you know, on the voter rolls like everybody and it just showed that it was a federal register.

Q When you say you were trying to put them on the computer, what do you mean?

A I had been talking to our computer people, and we was trying to figure but how we were going to be able to serve them, like our computer registration forms or whatever, everybody that is a registered voter is on our computer.

So we were trying to see how they could do a program to offset them so we could pull them up and they would not be on the main register with the people who registered by our state application.

That's when I was talking about the Secretary of State's office, about that, and they told me that it was just – to run a copy of those and mail that to them and they would notify the people here.

[p. 11] Q Do you have any idea about how many people that you sent up to the Secretary of State's office for them to notify?

A No. I would just have to guess. One of the other girls did that. I did not do that. The only thing I can do is guess, somewhere about 200.

Q And when did you find out – I believe you said that there was another letter that indicated that you-all in Warren County could send out these letters notifying people that they could only vote for federal elections. When did you-all find that out?

A I don't have that date on the letter. I don't know. Shelly is the one who got the letter from them, and she opened the mail and received it. So I really don't know

when she did. I would guess about March, but I'm not really sure.

Q Okay.

A She began to mail out the applications then. It is not applications. It was a letter informing them that they had to come to our office to register to vote for the state and county election or [p. 12] contact us or either use the mail-in, if we mailed them out to them.

Q So, today, when you get these NVRA registrations in, do you-all mail them a state form today?

A In the past we mailed them either a letter stating what they can do or the form.

Q So that's what you-all have been doing? You either mail them a letter –

A We mail them a letter regardless. And sometimes – the letter from the Secretary of State's office said we didn't have to mail the form, but we could request one. At first we started mailing the letter and the form and the responses were slow. We stopped mailing the form. We just mailed them a letter notifying them what the situation was.

Q So the response was very slow?

A Yes.

Q So that's when you stopped mailing out the state mail-in form to those people?

A Right.

Q Now you send them a letter sort of [p. 13] explaining the situation?

A Right.

Q Have you-all had the opportunity to put any kind of public service announcements out about this situation or do any kind of advertising?

A From my office, no. But there has been a write-up in the paper through the news media explaining everything, if you have questions, ask questions of the circuit clerk about that, just through an article in the paper.

Q Okay. What about voter registration cards? Are you-all sending voter registration cards to these NVRA registrants?

A No, we are not. The only ones we send it to are the ones who are registering to vote here in Warren County, because we have not completely processed those forms and we are trying to wait and see when all of them register for the state too. They haven't really told us how to handle them yet. We are waiting on our computer system to tell us how we can key them in so they can be offset for federal registration only.

[p. 14] Before the election, if everybody has voted for the state or county, then we would send them a form. Other than that, we have not sent them anything yet, just the letters.

* * *

EXHIBIT D-1

COUNTY CIRCUIT CLERKS	FOLLOWED STATE LAW	FOLLOWED SECRETARY OF STATE'S ADVICE
ADAMS		X
ALCORN	X	
AMITE	X	
ATTALA		X
BENTON	X	
BOLIVAR		X
CALHOUN	X	
CARROLL	X	
CHICKASAW	X	
CHOCTOW		X
CLAIBORNE		X
CLARKE		X
CLAY		X
COAHOMA	X	
COPIAH		X
COVINGTON		X
DESOTO		X
FORREST		X
FRANKLIN	X	
GEORGE	X	
GREENE		X
GRENADA	X	
HANCOCK	X	
HARRISON	X	
HINDS		X
HOLMES	X	
HUMPHREYS	X	
ISSAQUENA	X	
ITAWAMBA	X	
JACKSON	X	
JASPER		X

JEFFERSON	X	
JEFFERSON DAVIS	X	
JONES	X	
KEMPER	X	
LAFAYETTE		X
LAMAR	X	
LAUDERDALE	X	
LAWRENCE	X	
LEAKE	X	
LEE		X
LEFLORE	X	
LINCOLN	X	
LOWNDES		X
MADISON	X	
MARION		X
MARSHALL	X	
MONROE		X
MONTGOMERY	X	
NESHOBA	X	
NEWTON	X	
NOXUBEE		X
OKITIBBEHA	X	
PANOLA		X
PEARL RIVER	X	
PERRY		X
PIKE		X
PONTOTOC	X	
PRENTISS	X	
QUITMAN	X	
RANKIN	X	
SCOTT	X	
SHARKEY	X	
SIMPSON	X	
SMITH	X	
STONE	X	
SUNFLOWER	X	
TALLAHATCHIE		X

TATE	X	
TIPPAH	X	
TISHOMINGO		X
TUNICA	X	
UNION	X	
WALTHALL		X
WARREN		X
WASHINGTON	X	
WAYNE		X
WEBSTER	X	
WILKINSON	X	
WINSTON	X	
YALOBUSHA		X
YAZOO	X	
TOTALS	53	29

[Excerpts From Testimony of Trey Evans, Preliminary Injunction Hearing, July 19, 1995]

* * *

[p. 11] regarding the – regarding that advice from the office of the secretary of state?

A. Yes, we have.

Q. Can you tell me briefly what that training or advice – how you received that training and advice, in what form?

A. Through seminars both down here in Jackson and then periodically at other places throughout the state they've had training sessions on that aspect of it.

Q. All right. Were you given any advice regarding enrolling NVRA registrants on state voter rolls?

A. Well, what we had mostly was they covered that, of course, but they went more extensively into the purging aspects, statistical aspects of the national voter registration forms itself. I think it was just kind of left understood that we were going to be putting them on the first of the year.

Q. All right, sir. Is that the impression that you got after receiving the training from the secretary of state's office?

A. That's right.

Q. All right. After the first of the year [p. 12] when you began receiving NVRA registration forms, did you, in fact, put them on the state voter rolls?

A. No, we did not.

Q. Why did you not?

A. In the first of the year, we did not receive that many of them for the first month.

JUDGE BARBOUR: Mr. Evans, I assume when you say "we" you're talking about in your office.

THE WITNESS: In my office.

JUDGE BARBOUR: In Leflore County.

THE WITNESS: Yes, sir.

A. We did not start putting them on our regular registration rolls. Of course, that's in part to – I knew that at the time the law had not been changed to bring those type of mail-in forms in conformity to the state type mail-in forms.

Q. Are you saying that you didn't put them on the state rolls because they hadn't met state voter requirements?

A. That's right.

Q. What did you do with those NVRA registrants or registration forms?

A. What we started doing, I guess, about [p. 13] the latter part of January, somewhere in there, was that we were notifying – started notifying the individuals through a letter to notify them of this and to offer them a state mail-in form so they would be brought into compliance with the state law.

Q. Have you subsequently enrolled those NVRA registrants on special federal rolls?

A. Well, within my office what I – what I have done is I have compiled them into like a registration book just like you would have for a regular mail-in or office registration forms. We have what are called registration books that you put all the voter registration forms in, and then I put those in a book, you know, individually.

Q. All right. Have you ever enrolled NVRA registrants on state voter rolls?

A. I have not put them onto a voter rolls format yet entering them into my computer system, and the purpose to be able to do that would be able to help generate the poll books. Knowing that we did not have any federal elections coming up this year, we haven't developed our – altered our software to make notations of the difference in the two.

* * *

Article 3

Voter Registration

Subarticle A. Qualification of Electors

§ 23-15-11. Qualifications, generally.

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the supervisor's district or in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector by an officer of this state under the laws thereof, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890 shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.